

Sunshine Act Meetings

Federal Register

Vol. 59, No. 185

Monday, September 26, 1994

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

U.S. CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: 10:00 a.m., Wednesday, September 28, 1994.

LOCATION: Room 420, East West Towers, 4330 East West Highway, Bethesda, Maryland.

STATUS: Open to the Public.

MATTER TO BE CONSIDERED:

Lidocaine and Dibucaine

The Commission will consider a child-resistant packaging requirement under the Poison Prevention Packaging Act for the topical anesthetics lidocaine and dibucaine.

For a recorded message containing the latest agenda information, call (301) 504-0709.

CONTACT PERSON FOR ADDITIONAL

INFORMATION: Sadye E. Dunn, Office of the Secretary, 4330 East West Highway Bethesda, MD 20207 (301) 504-0800.

Dated: September 22, 1994.

Sadye E. Dunn,

Secretary.

[FR Doc. 94-23891 Filed 9-22-94; 2:02 pm]

BILLING CODE 6355-01-M

U.S. CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: Thursday, September 29, 1994.

LOCATION: Room 410, East West Towers, 4330 East West Highway, Bethesda, Maryland.

STATUS: Closed to the Public.

MASTER TO BE CONSIDERED:

Compliance Status Report

The staff will brief the Commission on the status of various compliance matters.

For a recorded message containing the latest agenda information, call (301) 504-0709.

CONTACT PERSON FOR ADDITIONAL

INFORMATION: Sadye E. Dunn, Office of the Secretary, 4330 East West Highway, Bethesda, MD 20207 (301) 504-0800.

Dated: September 22, 1994.

[FR Doc. 94-23892 Filed 9-22-94; 2:02 pm]

BILLING CODE 6355-01-M

FEDERAL ENERGY REGULATORY COMMISSION

The following notice of meeting is published pursuant to Section 3(a) of the Government in the Sunshine Act (Pub. L. No. 94-409), 5 U.S.C. 552b:

DATE AND TIME: September 28, 1994, 10:00 a.m.

PLACE: 825 North Capitol Street, NE., Room 9306, Washington, DC 20426.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda.

Note.—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION:

Lois D. Cashell, Secretary, Telephone (202) 208-0400. For a recording listing items stricken from or added to the meeting, call (202) 208-1627.

This is a list of matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda; however, all public documents may be examined in the Reference and Information Center.

Consent Agenda—Hydro, 616th Meeting—September 28, 1994, Regular Meeting (10:00 a.m.)

CAH-1.

Project No. 401-016, Indiana-Michigan Power Company

CAH-2.

Project Nos. 2287-005 and 2288-006, Public Service Company of New Hampshire

Project Nos. 2300-005, 2311-005, 2326-005, 2327-006 and 2422-007, James River-New Hampshire Electric, Inc.

CAH-3.

Project Nos. 10481-010 and 10482-013, Orange and Rockland Utilities, Inc.

CAH-4.

Project No. 10567-003, Barrish & Sorenson Hydroelectric Company, Inc.

CAH-5.

Project No. 10661-013, Indiana-Michigan Power Company

CAH-6.

Docket Nos. UL94-1-001 and UL94-3-001, Union Water Power Company and Kennebec Water Power Company

CAH-7.

Omitted

CAH-8.

Project No. 9401-030, Mount Hope Waterpower Project, L.P.

CAH-9.

Omitted

CAH-10.

Project No. 11038-004, County of Arapahoe and Town of Parker, Colorado

CAH-11.

Omitted

CAH-12.

Project Nos. 1855-010, 1892-005, 1904-019, 2077-007, 2323-013 and 2669-002, New England Power Company

Consent Agenda—Electric

CAE-1.

Omitted

CAE-2.

Docket No. ER94-1518-000, Commonwealth Electric Company

CAE-3.

Docket No. ER94-950-000, Hermiston Generating Company, L.P.

CAE-4.

Docket Nos. ER93-920-000, 001 and 002, New England Power Company

CAE-5.

Docket Nos. EC94-7-001 and ER94-898-001, El Paso Electric Company and Central and South West Services, Inc.

CAE-6.

Docket Nos. ER93-465-011 and ER93-922-007, Florida Power & Light Company

CAE-7.

Docket No. TX94-2-001, El Paso Electric Company and Central and South West Services, Inc., as agent for Public Service Company of Oklahoma, West Texas Utilities Company, Southwestern Electric Power Company, and Central Power and Light Company v. Southwestern Public Service Company

CAE-8.

Docket No. ER94-804-001, Midwest Power Systems, Inc.

CAE-9.

Omitted

CAE-10.

Omitted

CAE-11.

Docket No. ER93-266-001, Boston Edison Company

CAE-12.

Docket Nos. EC93-6-001 and ER94-1015-000, Cincinnati Gas & Electric Company and PSI Energy, Inc.

CAE-13.

Omitted

CAE-14.

Docket No. EG94-89-000, CNG Power Services Corporation

CAE-15.

Docket No. EL94-28-000, Seminole Electric Cooperative, Inc.

Docket No. EL94-47-000, Florida Municipal Power Agency v. Florida Power & Light Company

CAE-16.

Docket No. ER93-413-002, Pacific Gas and Electric Company

Consent Agenda—Oil and Gas

CAG-1.

Docket No. GT94-65-000, Texas Eastern Transmission Corporation

CAG-2.

Docket No. RP92-132-042, Tennessee Gas Pipeline Company

CAG-3.

- Docket No. RP94-295-000, Gasdel Pipeline System, Inc.
- CAG-4. Docket No. RP94-312-000, Columbia Gulf Transmission Company
- Docket No. CP94-777-000, Columbia Gulf Transmission Company and Texas Eastern Transmission Corporation
- CAG-5. Omitted
- CAG-6. Docket No. RP94-357-000, Texas Eastern Transmission Corporation
- CAG-7. Docket Nos. RP94-375-000, RP94-125-006 and RP94-375-001, Texas Gas Transmission Corporation
- CAG-8. Docket No. RP94-377-000, Texas Gas Transmission Corporation
- CAG-9. Docket No. RP94-378-000, Texas Eastern Transmission Corporation
- CAG-10. Docket No. RP94-380-000, Southern Natural Gas Company
- CAG-11. Docket No. RP94-383-000, Columbia Gas Transmission Corporation
- CAG-12. Docket No. RP94-384-000, ANR Pipeline Company
- CAG-13. Docket No. RP94-386-000, Southern Natural Gas Company
- CAG-14. Docket No. RP94-387-000, Southern Natural Gas Company
- CAG-15. Docket No. RP94-391-000, Centra Pipelines Minnesota, Inc.
- CAG-16. Docket No. RP94-392-000, Chandeaur Pipe Line Company
- CAG-17. Docket No. TM94-16-29-000, Transcontinental Gas Pipe Line Corporation
- CAG-18. Docket No. TM95-1-16-000, National Fuel Gas Supply Corporation
- CAG-19. Docket No. TM95-2-21-000, Columbia Gas Transmission Company
- CAG-20. Omitted
- CAG-21. Docket No. RP94-328-000, KN Interstate Gas Transmission Company
- CAG-22. Docket No. RP94-376-000, KN Interstate Gas Transmission Company
- CAG-23. Docket No. RP94-379-000, Colorado Interstate Gas Company
- CAG-24. Omitted
- CAG-25. Docket No. RP94-382-000, Colorado Interstate Gas Company
- CAG-26. Docket No. RP94-385-000, Northern Natural Gas Company
- CAG-27. Docket No. RP94-388-000, Trunkline Gas Company
- CAG-28. Docket No. RP94-390-000, NorAm Gas Transmission Company
- CAG-29. Docket No. TA95-1-35-000, West Texas Gas, Inc.
- CAG-30. Docket No. TM95-1-33-000, El Paso Natural Gas Company
- CAG-31. Docket No. RP94-273-000, Columbia Gas Transmission Corporation
- CAG-32. Docket Nos. RP94-179-000, -001, RP94-86-000, 001 and RP94-252-000, Natural Gas Pipeline Company of America
- CAG-33. Omitted
- CAG-34. Docket No. TM95-1-32-000, Colorado Interstate Gas Company
- CAG-35. Docket No. RP93-175-000, Williston Basin Interstate Pipeline Company
- CAG-36. Docket Nos. IS90-21-003, IS90-31-003, IS90-32-003, IS90-40-003, IS91-1-003, SP91-3-003, SP91-5-003, IS91-21-003, IS91-28-003, IS91-33-003 and OR93-1-001, Williams Pipe Line Company
- Docket Nos. IS90-39-003, IS91-3-001 and IS91-32-001, Enron Liquids Pipeline Company
- CAG-37. Docket No. RP94-213-005, CNC Transmission Corporation
- CAG-38. Docket Nos. RP94-307-001 and RP94-264-004, Southern Natural Gas Company
- CAG-39. Docket No. RP94-301-001, Stingray Pipeline Company
- CAG-40. Docket No. GT94-57-001, Colorado Interstate Gas Company
- CAG-41. Docket No. RP94-220-003, Northwest Pipeline Corporation
- CAG-42. Docket No. TM94-4-17-004, Texas Eastern Transmission Corporation
- CAG-43. Docket No. TM94-5-17-002, Texas Eastern Transmission Corporation
- CAG-44. Docket Nos. RP94-346-002, 003, 004, 005, RP94-87-000, et al., 002, 003, 005, 006, RP94-249-001, 002, 003, RP94-122-002, 003, 004, 005, RP94-169-002, 003, 004, 005, RP94-195-001, 002, 003, 004, RP94-260-002, 003 and RP94-305-001, Natural Gas Pipeline Company of America
- CAG-45. Omitted
- CAG-46. Docket Nos. RP94-113-001, 002 and CP94-369-001, Columbia Gas Transmission Corporation and Tennessee Gas Pipeline Company
- CAG-47. Omitted
- CAG-48. Docket No. PR91-20-001, Prairie Producing Company v. Louisiana Intrastate Gas Corporation
- CAG-49. Docket No. RP94-161-002, U-T Offshore System
- CAG-50. Omitted
- CAG-51. Docket No. RP94-231-002, Panhandle Eastern Pipe Line Company
- CAG-52. Docket No. GP94-2-001, Columbia Gas Transmission Corporation
- CAG-53. Docket No. RP92-229-003, Northwest Pipeline Corporation
- CAG-54. Omitted
- CAG-55. Docket Nos. ST88-2555-005, ST88-2905-000, ST88-3337-000, ST88-4985-000, ST89-229-000, consolidated; ST89-1708-000 and ST89-1775-000, Louisiana Intrastate Gas Corporation
- CAG-56. Docket No. RP94-268-000, Energy Production Corporation v. Koch Gateway Pipeline Company
- CAG-57. Docket No. RO92-5-000, Ocean Drilling & Exploration Company, ODECO Oil & Gas Company, Murphy Oil Corporation and Murphy Oil U.S.A., Inc.
- CAG-58. Docket No. GP94-10-000, Railroad Commission of Texas, Tight Formation Determination-Texas-112, 113, 114 & 115 Vicksburg Formation (M, R, S, & T Sands), FERC Nos. JD93-04541T, JD93-04589T, JD93-04590T and JD93-04591T
- CAG-59. Docket No. RP94-283-000, Gas Research Institute
- CAG-60. Docket No. RS92-23-026, Tennessee Gas Pipeline Company
- Docket No. RS92-33-010, East Tennessee Natural Gas Company
- CAG-61. Docket No. CP93-505-001, Panhandle Eastern Pipe Line Company
- Docket No. CP93-506-001, Panhandle Gathering Company
- CAG-62. Docket No. CP93-501-001, Tennessee Gas Pipeline Company
- CAG-63. Omitted
- CAG-64. Omitted
- CAG-65. Docket No. CP94-377-000, Natural Gas Pipeline Company of America
- CAG-66. Docket Nos. CP93-434-000 and 001, NorAm Gas Transmission Company
- Docket No. CP93-671-000, Williams Natural Gas Company
- CAG-67. Docket No. CP94-295-000, Northern Natural Gas Company
- CAG-68. Omitted
- CAG-69. Docket No. CP93-64-000, Mississippi River Transmission Corporation
- CAG-70. Docket No. CP94-722-000, Shell Offshore Inc.
- CAG-71. Omitted
- CAG-72. Docket No. RP94-354-000, National Fuel Gas Supply Corporation
- CAG-73.

Docket Nos. RP94-182-004 and RP94-272-002, NorAm Gas Transmission Company
CAG-74.

Docket Nos. RP94-197-000, RP93-151-007 and RP94-309-000, Tennessee Gas Pipeline Company
CAG-75.

Docket No. PR94-3-001, KansOk Partnership
CAG-76.

Docket No. CP94-38-000, Ouachita River Gas Storage Company, L.L.C.
CAG-77.

Docket No. CP94-88-000, Great Lakes Gas Transmission Limited Partnership

Hydro Agenda

H-1.
Reserved

Electric Agenda

E-1.
Omitted

E-2.
Omitted

E-3.
Omitted

E-4.
Omitted

Oil and Gas Agenda

I. Pipeline Rate Matters

PR-1.
Omitted

II. Restructuring Matters

RS-1.
Reserved

III. Pipeline Certificate Matters

PC-1.
Omitted

PC-2.
Omitted

PC-3.
Docket Nos. CP94-57-002 and 001, Columbia LNG Corporation
Docket Nos. CP94-59-003 and 001, Cove Point LNG Limited Partnership
Docket No. CP94-191-001, Columbia Gas Transmission Company and Columbia LNG Corporation. Order on application for a certificate to recommission Cove Point liquefied natural gas facilities.
Dated: September 21, 1994.

Lois D. Cashell,

Secretary.

[FR Doc. 94-23885 Filed 9-22-94; 2:02 pm]

BILLING CODE 6717-01-P

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 59 FR 48469, September 21, 1994.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 2:00 p.m., Monday, September 26, 1994.

CHANGES IN THE MEETING: Deletion of the following open item from the meeting:

Summary Agenda

2. (a) Request by Fleet Financial Group, Inc., Providence, Rhode Island, for an exemption from the anti-tying provisions of section 106 of the Bank Holding Company Act; and (b) a related proposed amendment for public comment to modify Regulation Y (Bank Holding Companies and Change in Bank Control) to apply the exemption to all banks.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204;

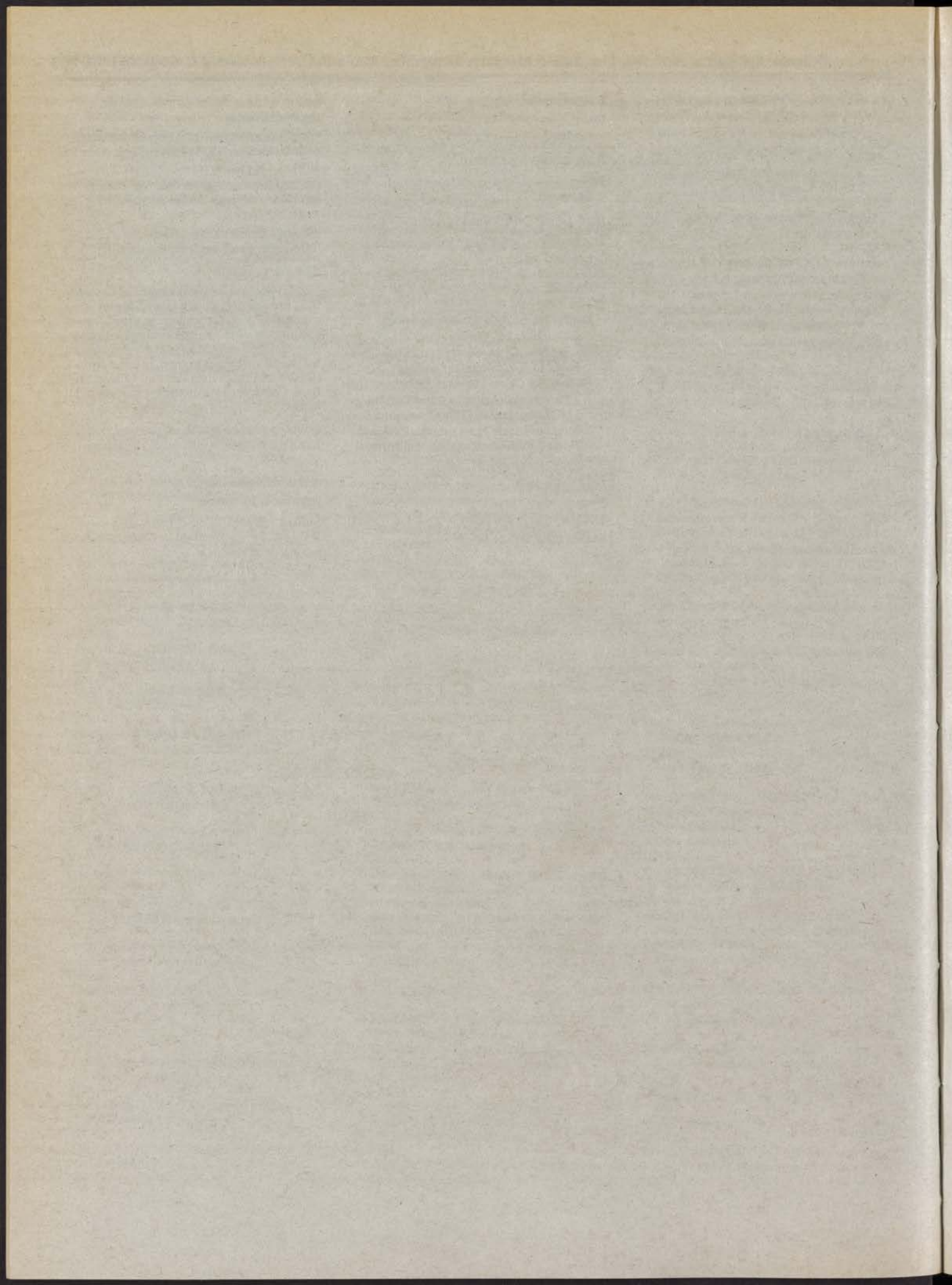
Dated: September 22, 1994.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 94-23866 Filed 9-22-94; 1:03 pm]

BILLING CODE 6210-01-P



Testis Testis Testis

Monday
September 26, 1994

Part II

**Environmental
Protection Agency**

40 CFR Parts 9 and 82
Protection of Stratospheric Ozone;
Proposed Rule

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Parts 9 and 82**

[FRL-5078-4]

Protection of Stratospheric Ozone**AGENCY:** Environmental Protection Agency.**ACTION:** Notice of proposed rulemaking.

SUMMARY: This action proposes restrictions or prohibitions on substitutes for ozone depleting substances (ODSs) under the U.S. Environmental Protection Agency (EPA) Significant New Alternatives Policy (SNAP) program. SNAP implements section 612 of the amended Clean Air Act of 1990 which requires EPA to evaluate and regulate substitutes for the ODSs to reduce overall risk to human health and the environment. Through these evaluations, SNAP generates lists of acceptable and unacceptable substitutes for each of the major industrial use sectors. The intended effect of the SNAP program is to expedite movement away from ozone depleting compounds while avoiding a shift into high-risk substitutes posing other environmental problems.

On March 18, 1994, EPA promulgated a final rulemaking setting forth its plan for administering the SNAP program, and issued decisions on the acceptability and unacceptability of a number of substitutes. In this notice of proposed rulemaking (NPRM), EPA is issuing its preliminary decisions on the acceptability of certain substitutes not previously reviewed by the Agency. To arrive at determinations on the acceptability of substitutes, the Agency completed a cross-media evaluation of risks to human health and the environment by sector end-use.

Today's action proposes new additions to the list of controlled or prohibited substitutes. As described in the final rule for the SNAP program, EPA does believe that notice-and-comment rulemaking is required to place any alternative on the list of prohibited substitutes, to list an alternative as acceptable only under certain use conditions or certain narrow end-use applications.

EPA does not, however, believe that rulemaking procedures are required to list alternatives as acceptable with no limitations. Such listings do not impose any sanction, nor do they remove any prior license to use a substitute. Consequently, EPA is adding substitutes to the list of acceptable alternatives without first requesting comment on new listings. Updates to the acceptable

lists are published as separate notices in the *Federal Register*. A comprehensive compilation of all listings will be published annually.

DATES: Written comments or data provided in response to this document must be submitted by November 10, 1994.

ADDRESSES: Written comments and data should be sent to Docket A-91-42, Central Docket Section, South Conference Room 4, U.S. Environmental Agency, 401 M Street SW., Washington, DC 20460. The docket may be inspected between 8 a.m. and 4 p.m. on weekdays. Telephone (202) 260-7549. As provided in 40 CFC part 2, a reasonable fee may be charged for photocopying. To expedite review, a second copy of the comments should be sent to Sally Rand, Stratospheric Protection Division, Office of Atmospheric Programs, U.S. EPA, 401 M Street SW., 6205-J, Washington, DC 20460. Information designated as Confidential Business Information (CBI) under 40 CFR, part 2 subpart B must be sent directly to the contact person for this notice. However, the Agency is requesting that all respondents submit a non-confidential version of their comments to the docket as well.

FOR FURTHER INFORMATION CONTACT: Sally Rand at (202) 233-9739 or fax (202) 233-9577, Substitutes Analysis and Review Branch, Stratospheric Protection Division, Office of Atmospheric Programs, Office of Air and Radiation, Washington, DC.

SUPPLEMENTARY INFORMATION:**I. Overview of This Action**

This action is divided into five sections, including this overview:

I. Overview of This Action**II. Section 612 Program****A. Statutory Requirements****B. Regulatory History****III. Proposed Listing of Substitutes****IV. Administrative Requirements****V. Additional Information**

Appendix A: Summary of Proposed Listing Decisions

II. Section 612 Program**A. Statutory Requirements**

Section 612 of the Clean Air Act authorizes EPA to develop a program for evaluating alternatives to ozone-depleting substances. EPA is referring to this program as the Significant New Alternatives Policy (SNAP) program. The major provisions of section 612 are:

Rulemaking—Section 612(c) requires EPA to promulgate rules making it unlawful to replace any class I (chlorofluorocarbon, halon, carbon tetrachloride, methyl chloroform,

methyl bromide, and hydrobromofluorocarbon) or class II (hydrochlorofluorocarbon) substance with any substitute that the Administrator determines may present adverse effects to human health or the environment where the Administrator has identified an alternative that: (1) Reduces the overall risk to human health and the environment; and (2) is currently or potentially available.

Listing of Unacceptable/Acceptable Substitutes—Section 612(c) also requires EPA to publish a list of the substitutes unacceptable for specific uses. EPA must publish a corresponding list of acceptable alternatives for specific uses.

Petition Process—Section 612(d) grants the right to any person to petition EPA to add a substitute to or delete a substitute from the lists published in accordance with section 612(c). The Agency has 90 days to grant or deny a petition. Where the Agency grants the petition, EPA must publish the revised lists within an additional 6 months.

90-day Notification—Section 612(e) requires EPA to require any person who produces a chemical substitute for a class I substance to notify the Agency not less than 90 days before new or existing chemicals are introduced into interstate commerce for significant new uses as substitutes for a class I substance. The producer must also provide the Agency with the producer's unpublished health and safety studies on such substitutes.

Outreach—Section 612(b)(1) states that the Administrator shall seek to maximize the use of federal research facilities and resources to assist users of class I and II substances in identifying and developing alternatives to the use of such substances in key commercial applications.

Clearinghouse—Section 612(b)(4) requires the Agency to set up a public clearinghouse of alternative chemicals, product substitutes, and alternative manufacturing processes that are available for products and manufacturing processes which use class I and II substances.

B. Regulatory History

On March 18, 1994, EPA published the Final Rulemaking (FRM) (59 FR 13044) which described the process for administering the SNAP program and issued EPA's first acceptability lists for substitutes in the major industrial use sectors. These sectors include: refrigeration and air conditioning; foam blowing; solvent cleaning; fire suppression and explosion protection; sterilants; aerosols; adhesives, coatings and inks; and tobacco expansion. These

sectors comprise the principal industrial sectors that historically consume large volumes of ozone-depleting compounds.

The Agency defines a "substitute" as any chemical, product, substitute, or alternative manufacturing process, whether existing or new, that could replace a class I or class II substance. Anyone who produces a substitute must provide the Agency with health and safety studies on the substitute at least 90 days before introducing it into interstate commerce for significant new use as an alternative. This requirement applies to chemical manufacturers, but may include importers, formulators or end-users when they are responsible for introducing a substitute into commerce.

III. Proposed Listing of Substitutes

To develop the lists of unacceptable and acceptable substitutes, EPA conducts screens of health and environmental risks posed by various substitutes for ozone-depleting compounds in each use sector. The outcome of these risks screens can be found in the public docket, as described above in the ADDRESSES portion of this notice.

Under section 612, the Agency has considerable discretion in the risk management decisions it can make in SNAP. The Agency has identified five possible decision categories: acceptable; acceptable subject to use conditions; acceptable subject to narrowed use limits; unacceptable; and pending. Acceptable substitutes can be used with no limits for all applications within the relevant sector end-use. Conversely, it is illegal to replace an ODS with a substitute listed by SNAP as unacceptable. A pending listing represents substitutes for which the Agency has not received complete data or has not completed its review of the data.

After reviewing a substitute, the Agency may make a determination that a substitute is acceptable only if conditions of use are met to minimize risks to human health and the environment. Use of such substitutes in ways that are inconsistent with such use conditions renders these substitutes unacceptable.

Even though the Agency can restrict the use of a substitute based on the potential for adverse effects, it may be necessary to permit a narrowed range of use within a sector end-use because of the lack of alternatives for specialized applications. Users intending to adopt a substitute acceptable with narrowed use limits must ascertain that other acceptable alternatives are not technically feasible. Companies must document the results of their evaluation,

and retain the results on file for the purpose of demonstrating compliance. This documentation shall include descriptions of substitutes examined and rejected, processes or products in which the substitute is needed, reason for rejection of other alternatives, e.g., performance, technical or safety standards, and the anticipated date other substitutes will be available and projected time for switching to other available substitutes. Use of such substitutes in application and end-uses which are not specified as acceptable in the narrowed use limit renders these substitutes unacceptable.

In this Notice of Proposed Rulemaking (NPRM), EPA is issuing its preliminary decision on the acceptability of certain substitutes not previously reviewed by the Agency. As described in the final rule for the SNAP program (59 FR 13044), EPA believes that notice-and-comment rulemaking is required to place any alternative on the list of prohibited substitutes, to list a substitute as acceptable only under certain use conditions or narrowed use limits, or to remove an alternative from either the list of prohibited or acceptable substitutes.

EPA does not believe that rulemaking procedures are required to list alternatives as acceptable with no limitations. Such listings do not impose any sanction, nor do they remove any prior license to use a substitute. Consequently, EPA is adding substitutes to the list of acceptable alternatives without first requesting comment on new listings. Updates to the acceptable and pending lists are published as separate notices in the *Federal Register*.

Parts A. through E. below present a detailed discussion of the substitute listing determinations by major use sector. Tables summarizing listing decisions in this Notice of Proposed Rulemaking are in Appendix A. The comments contained in Appendix A provide additional information on a substitute. Since comments are not part of the regulatory decision, they are not mandatory for use of a substitute. Nor should the comments be considered comprehensive with respect to other legal obligations pertaining to the use of the substitute. However, EPA encourages users of acceptable substitutes to apply all comments in their use of these substitutes. In many instances, the comments simply allude to sound operating practices that have already been identified in existing industry and/or building-code standards. Thus, many of the comments, if adopted, would not require significant changes in existing operating practices for the affected industry.

A. Refrigeration and Air Conditioning

1. Overview

The refrigeration and air conditioning sector includes all uses of class I and class II substances to produce cooling, including mechanical and non-mechanical refrigeration, air conditioning, and heat transfer. Please refer to the final SNAP rule (59 FR 13044) for a more detailed description of this sector.

The refrigeration and air conditioning sector is divided into the following end-uses:

- commercial comfort air conditioning;
- industrial process refrigeration system;
- industrial process air conditioning;
- ice skating rinks;
- uranium isotope separation processing;
- cold storage warehouses;
- refrigerated transport;
- retail food refrigeration;
- vending machines;
- water coolers;
- commercial ice machines;
- household refrigerators;
- household freezers;
- residential dehumidifiers;
- motor vehicle air conditioning;
- residential air conditioning and heat pumps;
- non-mechanical heat transfer; and
- very low temperature refrigeration.

In addition, each end-use is divided into retrofit and new equipment applications. EPA has not necessarily reviewed substitutes in every end-use for this NPRM.

EPA has modified the list of end-uses for this sector for this SNAP update. First, EPA has changed the name of the heat transfer end-use to non-mechanical heat transfer. This change is intended to avoid confusion between systems that move heat from a cool area to a warm one (mechanical refrigeration) and systems that simply aid the movement of heat away from warm areas (non-mechanical heat transfer). The second change is that EPA added a new end-use, very low temperature refrigeration. Substitutes for this end-use have been reviewed since the final rule, and therefore have been added for this SNAP update. Finally, EPA has also reviewed substitutes for CFC-13, R-13B1, and R-503 industrial process refrigeration. Please refer to the final SNAP rule (59 FR 13044) for a detailed description of end-uses other than these three. EPA may continue to add other end-uses in future SNAP updates.

a. Non-mechanical Heat Transfer. As discussed above, this end-use includes all cooling systems that rely on a fluid

to remove heat from a heat source to a cooler area, rather than relying on mechanical refrigeration to move heat from a cool area to a warm one. Generally, there are two types of systems: systems with fluid pumps, referred to as recirculating coolers, and those that rely on natural convection currents, known as thermosyphons.

b. Very Low Temperature

Refrigeration. Medical freezers, freeze-dryers, and other small appliances require extremely reliable refrigeration cycles. These systems must meet stringent technical standards that do not normally apply to refrigeration systems. They usually have very small charges. Because they operate at very high vapor pressures, and because performance is critically affected by any charge loss, standard maintenance for these systems tends to reduce leakage to a level considerably below that for other types of refrigeration and air conditioning equipment.

c. CFC-13, R-13B1, and R-503

Industrial Process Refrigeration. This end-use differs from other types of industrial refrigeration only in the extremely low temperature regimes that are required. Although some substitutes may work in both these extremely low temperatures and in systems designed to use R-502, they are acceptable only for this end-use because of global warming and atmospheric lifetime concerns. These concerns are discussed more fully below.

2. Substitutes for Refrigerants

Substitutes fall into eight broad categories. Seven of these categories are chemical substitutes used in the same vapor compression cycle as the ozone-depleting substances being replaced. They include hydrochlorofluorocarbons (HCFCs), hydrofluorocarbons (HFCs), hydrocarbons, refrigerant blends, ammonia, perfluorocarbons (PFCs), and chlorine systems. The eighth category includes alternative technologies that generally do not rely on vapor compression cycles. Please refer to the final SNAP rule (59 FR 13044) for more discussion of these broad categories.

a. Acceptable Subject to Use

Conditions. (1) CFC-12 Automobile and Non-automobile Motor Vehicle Air Conditioners, Retrofit and New. EPA is concerned that the existence of several substitutes in this end-use may increase the likelihood of significant refrigerant cross-contamination and potential failure of both air conditioning systems and recovery/recycling equipment. In addition, a smooth transition to the use of substitutes strongly depends on the continued purity of the recycled CFC-12 supply. In order to prevent cross-

contamination and preserve the purity of recycled refrigerants, EPA is proposing several conditions on the use of all motor vehicle air conditioning refrigerants. For the purposes of this rule, no distinction is made between "retrofit" and "drop-in" refrigerants; retrofitting a car to use a new refrigerant includes all procedures that result in the air conditioning system using a new refrigerant.

In particular, when retrofitting a CFC-12 system to use any substitute refrigerant, the following conditions must be met:

- Each refrigerant may only be used with a set of fittings that is unique to that refrigerant. These fittings (male or female, as appropriate) must be used with all containers of the refrigerant, on can taps, on recovery, recycling, and charging equipment, and on all air conditioning system service ports. These fittings must be designed to mechanically prevent cross-charging with another refrigerant. A refrigerant may only be used with the fittings and can taps specifically intended for that refrigerant. Using an adapter or deliberately modifying a fitting to use a different refrigerant will be a violation of this use condition. In addition, fittings shall meet the following criteria, derived from Society of Automotive Engineers (SAE) standards and recommended practices:

- When existing CFC-12 service ports are to be retrofitted, conversion assemblies shall attach to the CFC-12 fitting with a thread lock adhesive and/or a separate mechanical latching mechanism in a manner that permanently prevents the assembly from being removed.
- All conversion assemblies and new service ports must satisfy the vibration testing requirements of sections 3.2.1 or 3.2.2 of SAE J1660, as applicable, excluding references to SAE J639 and SAE J2064, which are specific to HFC-134a.
- In order to prevent discharge of refrigerant to the atmosphere, systems shall have a device to limit compressor operation before the pressure relief device will vent refrigerant. This requirement is waived for systems that do not feature such a pressure relief device.
- All CFC-12 service ports shall be retrofitted with conversion assemblies or shall be rendered permanently incompatible for use with CFC-12 related service equipment by fitting with a device attached with a thread lock adhesive and/or a separate mechanical latching mechanism in a manner that prevents the device from being removed.

- When a retrofit is performed, a label must be used as follows:

- The person conducting the retrofit must apply a label to the air conditioning system in the engine compartment that contains the following information:

- *—the name and address of the technician and the company performing the retrofit

- *—the date of the retrofit

- *—the trade name, charge amount, and, when applicable, the ASHRAE refrigerant numerical designation of the refrigerant

- *—the type, manufacturer, and amount of lubricant used

- *—if the refrigerant is or contains an ozone-depleting substance, the statement "This refrigerant contains an ozone-depleting substance and it is therefore subject to the venting prohibition, recycling, and other provisions of regulations issued under section 609 of the Clean Air Act."

- *—if the refrigerant is not or does not contain any ozone-depleting substances, the statement "This refrigerant does not deplete stratospheric ozone, and as of November 15, 1995, at the latest, it is subject to the venting prohibition, recycling, and other provisions of regulations issued under section 609 of the Clean Air Act."

- *—if the refrigerant displays flammability limits as measured according to ASTM E681, the statement "This refrigerant is FLAMMABLE. Take appropriate precautions."

- This label must be large enough to be easily read and must be permanent.

- The background color must be unique to the refrigerant.

- The label must be affixed to the system over information related to the previous refrigerant, in a location not normally replaced during vehicle repair.

- Information on the previous refrigerant that cannot be covered by the new label must be permanently rendered unreadable.

- No substitute refrigerant may be used to "top-off" a system that uses another refrigerant. The original refrigerant must be recovered in accordance with regulations issued under section 609 of the CAA prior to charging with a substitute.

Since these use conditions necessitate unique fittings and labels, it will be necessary for developers of automotive refrigerants to consult with EPA about the existence of other alternatives. Such discussions will lower the risk of duplicating fittings already in use.

No determination guarantees satisfactory performance from a

refrigerant. Consult the original equipment manufacturer or service personnel for further information on using a refrigerant in a particular system.

(a) HFC-134a. *HFC-134a is acceptable as a substitute for CFC-12 in retrofitted and new motor vehicle air conditioners, subject to the use conditions applicable to motor vehicle air conditioning described above.* HFC-134a does not contribute to ozone depletion. HFC-134a's GWP and atmospheric lifetime are close to those of other alternatives which have been determined to be acceptable for this end-use. However, HFC-134a's contribution to global warming could be significant in leaky end-uses such as motor vehicle air conditioning systems (MVACS). EPA has determined that the use of HFC-134a in these applications is acceptable because industry continues to develop technology to limit emissions. In addition, the number of available substitutes for use in MVACS is currently limited. HFC-134a is not flammable and its toxicity is low. While HFC-134a is compatible with most existing refrigeration and air conditioning equipment parts, it is not compatible with the mineral oils currently used in such systems. An appropriate ester-based, polyalkylene glycol-based, or other type of lubricant should be used. Consult the original equipment manufacturer or the retrofit kit manufacturer for further information.

(b) R-401C. *R-401C, which consists of HCFC-22, HFC-152a, and HCFC-124, is acceptable as a substitute for CFC-12 in retrofitted and new motor vehicle air conditioners, subject to the use conditions applicable to motor vehicle air conditioning described above.* HCFC-22 and HCFC-124 contribute to ozone depletion, but to a much lesser degree than CFC-12. The production of HCFC-22 will be phased out according to the accelerated phaseout schedule (published 12/10/93, 58 FR 65018). The GWP of HCFC-22 is somewhat higher than other alternatives for this end-use. Experimental data indicate that HCFC-22 may leak through flexible hosing in mobile air conditioners at a high rate. In order to preserve the blend's composition and to reduce its contribution to global warming, EPA strongly recommends using barrier hoses when hose assemblies need to be replaced during a retrofit procedure. The GWPs of the other components are low. Although this blend does contain one flammable constituent, the blend itself is not flammable. Leak testing demonstrated that the blend never becomes flammable.

(c) HCFC Blend Beta. *HCFC Blend Beta is acceptable as a substitute for CFC-12 in retrofitted and new motor vehicle air conditioners, subject to the use conditions applicable to motor vehicle air conditioning described above.* The composition of this blend has been claimed confidential by the manufacturer. This blend contains at least one HCFC, and therefore contributes to ozone depletion, but to a much lesser degree than CFC-12. Regulations regarding recycling and reclamation issued under section 609 of the Clean Air Act apply to this blend. Its production will be phased out according to the accelerated schedule (published 12/10/93, 58 FR 65018). The GWPs of the components are moderate to low. This blend is nonflammable, and leak testing has demonstrated that the blend never becomes flammable.

b. *Acceptable Subject to Narrowed Use Limits.* (1) Non-mechanical Heat Transfer, New and Retrofit.

(a) Perfluorocarbons. *Perfluorocarbons are proposed acceptable as substitutes for CFC-11, CFC-12, CFC-113, CFC-114, and CFC-115 in new and retrofitted thermosyphons and recirculating coolers only where no other alternatives are technically feasible due to safety or performance requirements.* PFCs covered by this determination are C₃F₈, C₄F₁₀, C₅F₁₂, C₅F₁₁NO, C₆F₁₄, C₆F₁₃NO, C₇F₁₆, C₇F₁₅NO, C₈F₁₈, C₈F₁₆O, AND C₉F₂₀N. PFCs offer high dielectric resistance and they are low in toxicity and nonflammable. The principal characteristic of concern for PFCs is that they have long atmospheric lifetimes and have the potential to contribute to global climate change. For instance, C₅F₁₂ has a lifetime of 4,100 years and a 100-year GWP of 5,600. PFCs are also included in the Climate Change Action Plan which broadly instructs EPA to use section 612 of the CAA, as well as voluntary programs, to control emissions. Despite these concerns, EPA is proposing to list PFCs as acceptable in certain small applications because they may be the only substitutes that can satisfy safety or performance requirements. For example, a transformer may require very high dielectric strength, or a heat transfer system for a chlorine manufacturing process could require compatibility with the process stream.

Users should note, however, that use of a PFC should be a last resort. As the proposed determination states, PFCs should be used "only where no other alternatives are technically feasible due to safety or performance requirements." This statement requires users to conduct a thorough search for other substitutes.

Although EPA does not require users to submit information on such a search, companies must keep the results on file for future reference.

In cases where users must adopt PFCs, they should make every effort to:

- Recover and recycle these fluids during servicing
- Adopt maintenance practices that reduce leakage as much as is technically feasible
- Recover these fluids after the end of the equipment's useful life and either recycle them or destroy them
- Continue to search for other long-term alternatives

Users of PFCs should note that if other alternatives become available, EPA could be petitioned to list PFCs as unacceptable due to the availability of other suitable substitutes. If such a petition were granted, EPA may grandfather existing uses but only upon consideration of cost and timing of testing and implementation of new substitutes. In addition, while this listing allows for use of PFCs in some new systems, a petition indicating widespread design of systems using PFCs where other alternatives exist could adversely impact any grandfathering decisions.

EPA believes these end-uses are covered under section 608 of the CAA and encourages voluntary compliance with the recycling and leak repair provisions of that rule until new rulemakings specifically address non-ozone-depleting refrigerants.

c. *Unacceptable Substitutes.*

(1) R-403B

R-403B, which consists of HCFC-22, R-218, and propane, is proposed unacceptable as a substitute for R-502 in the following new and retrofitted end-uses:

- industrial process refrigeration;
- cold storage warehouses;
- refrigerated transport;
- retail food refrigeration;
- commercial ice machines; and
- household freezers.

R-218, perfluoropropane, has an extremely high GWP and lifetime. Although this substitute may offer energy efficiency gains, its lifetime and direct GWP pose additional risk beyond that of other substitutes for these end-uses. In particular, the lifetime of R-218 is over 2000 years, which means that global warming and other effects would be essentially irreversible. EPA believes that while other substitutes may have high GWPs, they do not exhibit such long lifetimes.

(2) R-405A

R-405A, which is composed of HCFC-22, HFC-152a, HCFC-142b, and R-318,

is proposed unacceptable as a substitute for CFC-12, R-500, and R-502 in the following new and retrofitted end-uses:

- commercial comfort air conditioning;
- industrial process refrigeration;
- ice skating rinks;
- cold storage warehouses;
- refrigerated transport;
- retail food refrigeration;
- vending machines;
- water coolers;
- commercial ice machines;
- household refrigerators;
- household freezers;
- residential dehumidifiers; and
- motor vehicle air conditioning.

R-405A was listed as HCFC/HFC/fluoroalkane Blend A in previous notices. R-405A contains a high proportion of R-c318, cycloperfluorobutane, which has an extremely high GWP and lifetime. Although this substitute may offer energy efficiency gains, its lifetime and direct GWP pose additional risk beyond that of other substitutes for these end-uses. In particular, the lifetime of R-c318 is over 3000 years, which means that global warming and other effects would be essentially irreversible. EPA believes that while other substitutes may have high GWPs, they do not exhibit such long lifetimes.

(3) Hydrocarbon Blend B

Hydrocarbon Blend B is proposed unacceptable as a substitute for CFC-12 in the following new and retrofitted end-uses:

- commercial comfort air conditioning;
- ice skating rinks;
- cold storage warehouses;
- refrigerated transport;
- retail food refrigeration;
- vending machines;
- water coolers;
- commercial ice machines;
- household refrigerators;
- household freezers;
- residential dehumidifiers; and
- motor vehicle air conditioning.

Flammability is the primary concern. EPA believes the use of this substitute in very leaky uses like motor vehicle air conditioning may pose a high risk of fire. EPA requires a risk assessment be conducted to demonstrate this blend may be safely used in any CFC-12 end-uses. The manufacturer of this blend has not submitted such a risk assessment, and EPA therefore finds it unacceptable.

(4) Flammable Substitutes

Flammable substitutes, defined as having flammability limits as measured according to ASTM E-681 with modifications included in Society of

Automotive Engineers Recommended Practice J1657, including blends which become flammable during fractionation, are proposed unacceptable as substitutes for CFC-12 in retrofitted motor vehicle air conditioning systems.

Flammable refrigerants differ from traditional substances in several ways: potential gains in energy efficiency, reductions in direct contribution to global warming, and additional risks from fire. Flammable refrigerants may be good substitutes in systems designed with fire risks in mind. In addition, in certain circumstances, they may serve well as substitutes in retrofit uses. EPA encourages research efforts into the use of flammable refrigerants, but remains concerned about the dangers. Because of these concerns, EPA has established the requirement that manufacturers of flammable refrigerants conduct detailed risk assessments in all end-uses. The risks from flammability are extremely sensitive to the size of charge and end-use.

In MVACS, flammable refrigerants pose risks not found in stationary equipment, including the potential for collisions, the placement of the condenser directly behind the grille, flexible hoses which could be punctured, the hazard to technicians who are expecting to handle flammable fluids, the danger to passengers from evaporator leaks, and the dangers to personnel involved in disposal of old automobiles. Due to the length of SNAP review, certain substitutes have been marketed which EPA believes may pose substantial risk to users. The intent of the 90-day review process was not to allow manufacturers to market risky substitutes, but rather to ensure a thorough review. Because of potential risks to users and service personnel, EPA finds it necessary to find all flammable substitutes unacceptable in retrofitted automotive air conditioning to prevent hazardous substitutes from being marketed prior to a thorough risk assessment.

EPA continues to encourage investigation of all substitute refrigerants, including flammable substances. This unacceptable determination only applies to retrofitted MVACS. If a manufacturer wishes an acceptable determination for a flammable substitute in MVACS, this risk assessment must be conducted in a scientifically valid manner. EPA will consider such a risk assessment in any determination on the substitute.

B. Solvents

1. Acceptable Subject to Use Conditions

a. *Electronics Cleaning.* (1) HCFC-225 ca/cb. HCFC-225 is proposed acceptable subject to use conditions as a substitute for CFC-113 and MCF in electronics cleaning. The HCFC-225 ca isomer has a company-set exposure limit of 25 ppm. The company set exposure limit of the HCFC-225 cb isomer is 250 ppm. These limits should be readily achievable since HCFC-225 is only sold commercially as a (45%/50%) blend of -ca and -cb isomers. In addition, the vapor degreasing and cold cleaning equipment where HCFC-225 is used, typically has very low emissions.

b. *Precision Cleaning.* (1) HCFC-225 ca/cb. HCFC-225 is proposed acceptable subject to use conditions as a substitute for CFC-113 and MCF in precision cleaning. The HCFC-225 ca isomer has a company-set exposure limit of 25 ppm. The company set exposure limit of the HCFC-225 cb isomer is 250 ppm. These limits should be readily achievable since HCFC-225 is only sold commercially as a (45%/50%) blend of -ca and -cb isomers. In addition, the vapor degreasing and cold cleaning equipment where HCFC-225 is used, typically has very low emissions.

2. Unacceptable Substitutes

a. *Metals Cleaning.* (1) Dibromomethane. Dibromomethane is proposed as an unacceptable substitute for CFC-113 and MCF in metals cleaning. Dibromomethane has a comparatively high ODP and other alternatives exist which do not pose comparable risk.

b. *Electronics Cleaning.* (2) Dibromomethane. Dibromomethane is proposed as an unacceptable substitute for CFC-113 and MCF in electronics cleaning. Dibromomethane has a comparatively high ODP and other alternatives exist.

c. *Precision Cleaning.* (3) Dibromomethane. Dibromomethane is proposed as an unacceptable substitute for CFC-113 and MCF in precision cleaning. Dibromomethane has a comparatively high ODP and other alternatives exist.

C. Fire Suppression and Explosion Protection

1. Proposed Acceptable Subject to Use Conditions

a. *Total Flooding Agents.* (1) C₃F₈. C₃F₈ is proposed acceptable as a Halon 1301 substitute where other alternatives are not technically feasible due to performance or safety requirements: (a) Due to their physical or chemical

properties or (b) where human exposure to the agents may approach cardiosensitization levels or result in other unacceptable health effects under normal operating conditions. This proposed agent is subject to the same use conditions stipulated for all total flooding agents, that is:

- Where egress from an area cannot be accomplished within one minute, the employer shall not use this agent in concentrations exceeding its NOAEL.
- Where egress takes longer than 30 seconds but less than one minute, the employer shall not use the agent in a concentration greater than its LOAEL.
- Agent concentrations greater than the LOAEL are only permitted in areas not normally occupied by employees provided that any employee in the area can escape within 30 seconds. The employer shall assure that no unprotected employees enter the area during agent discharge.

Cup burner tests in heptane indicate that C_3F_8 can extinguish fires in a total flood application at concentrations of 7.30 per cent and therefore has a design concentration of 8.8 per cent. The cardiotoxicity NOAEL of 30 per cent for this agent is well above its extinguishment concentration and therefore is safe for use in occupied areas. This agent can replace Halon 1301 by a ratio of 2 to 1 by weight.

Using agents in high concentrations poses a risk of asphyxiation by displacing oxygen. With an ambient oxygen level of 21 per cent, a design concentration of 22.6 per cent may reduce oxygen levels to approximately 16 per cent, the minimum level considered to be required to prevent impaired judgement or other physiological effects. Thus, the oxygen level resulting from discharge of this agent must be at least 16 per cent.

C_3F_8 has no ozone depletion potential, and is nonflammable, essentially non-toxic, and is not a VOC. However, this agent has an atmospheric lifetime of 3,200 years and a 100-year GWP of 6100. Due to the long atmospheric lifetime of C_3F_8 , the Agency is finding this chemical acceptable only in those limited instances where no other alternative is technically feasible due to performance or safety requirements. In most total flooding applications, the Agency believes that alternatives to C_3F_8 exist. EPA intends that users select C_3F_8 out of need and that this agent be used as the agent of last resort. Thus, a user must determine that the requirements of the specific end-use preclude use of other available alternatives.

Users must observe the limitations on C_3F_8 acceptability by undertaking the following measures: (i) conduct an

evaluation of foreseeable conditions of end use; (ii) determine that human exposure to the other alternative extinguishing agents may approach or result in cardiosensitization or other unacceptable toxicity effects under normal operating conditions; and (iii) determine that the physical or chemical properties or other technical constraints of the other available agents preclude their use.

EPA recommends that users minimize unnecessary emissions of this agent by limiting testing of C_3F_8 to that which is essential to meet safety or performance requirements; recovering C_3F_8 from the fire protection system in conjunction with testing or servicing; and destroying or recycling C_3F_8 for later use. EPA encourages manufacturers to develop aggressive product stewardship programs to help users avoid such unnecessary emissions.

(2) CF_3I . *CF_3I is proposed acceptable as a Halon 1301 substitute in normally unoccupied areas.* Any employee that could possibly be in the area must be able to escape within 30 seconds. The employer shall assure that no unprotected employees enter the area during agent discharge.

CF_3I (Halon 13001) is a fluoriodocarbon with an atmospheric lifetime of only 1.15 days due to its rapid photolysis in the presence of light. The resulting GWP of this agent is less than one, and its ODP when released at ground level is likely to be extremely low, with current conservative estimates ranging from .008 to .01. Complete analysis of the ozone depleting potential of this agent will be available in the near future.

Anticipating EPA's concern about releases of CF_3I from aircraft, and the associated likelihood of a higher ODP value when released at altitude, the military has conducted an analysis of historical releases of Halon 1301 from both military and commercial aircraft. Initial assessment indicate that emissions from U.S. military aircraft appear to have averaged about 56 pounds annually, of which 2 pounds were emitted above 30,000 feet. Commercial aircraft worldwide released an estimated average of 933 pounds of Halon 1301 annually, of which 158 pounds was released above 30,000 feet. While EPA is awaiting the results of the ODP calculations of CF_3I , it is unlikely that such low emissions at high altitude will pose a significant threat to the ozone layer.

Interest in this agent is very high because it may constitute a drop-in replacement to Halon 1301 on a weight and volume basis. Initial tests have shown its weight equivalence for fire

extinguishment to be 1.36, and its volume equivalence to be 1.0, while for explosion inertness it is 1.42 and 1.04 respectively. The research community is continuing to qualify the properties of this agent, including its materials compatibility, its storage stability and its effectiveness. While the manufacturer's SNAP submission only requests listing in normally unoccupied areas, preliminary cardiosensitization data received by the Agency indicate that CF_3I has a NOAEL of 0.2 per cent and a LOAEL of 0.4 per cent, and thus this agent would not suitably be for use in normally occupied areas.

(3) Gelled Halocarbon/Dry Chemical Suspension. *Gelled Halocarbon/Dry Chemical Suspension is proposed acceptable as a Halon 1301 substitute in normally unoccupied areas.* Any employee who could possibly be in the area must be able to escape within 30 seconds. The employer shall assure that no unprotected employees enter the area during agent discharge.

The manufacturer is proposing to blend either of two halocarbons (HFC-125 or HFC-134a) with either ammonium polyphosphate (which is not corrosive) or monoammonium phosphate (which is corrosive on hard surfaces). An initial assessment of inhalation toxicology of fine particulates indicates that some risk exists of inhalation exposure when the particles are below a certain size compared to the mass per cubic meter in air. Particle sizes less than 10 to 15 microns and a mass above the ACGIH nuisance dust levels raise concerns which need to be further studied. In a total flooding application, the exposure levels may be of concern. In addition, because the discharge of powders obscures vision, evacuation could be impeded. EPA is asking manufacturers of total flooding systems using powdered aerosols to submit to the Agency a review of the medical implications of inhaling atmospheres flooded with fine powder particulates. While the manufacturer requested a SNAP listing for unoccupied areas only, EPA would not consider its use in occupied areas until the requested peer review is complete. Meanwhile, EPA is finding this technology acceptable for use in normally unoccupied areas.

For further discussion of this agent, including a review of particle size distributions, see the listing under "Streaming Agents—Acceptable."

(4) Inert Gas/Powdered Aerosol Blend. *Inert Gas/Powdered Aerosol Blend is acceptable as a Halon 1301 substitute in normally unoccupied areas.* In areas where personnel could possibly be present, as in a cargo area.

the employer shall provide a pre-discharge employee alarm capable of being perceived above ambient light or noise levels for alerting employees before system discharge. The pre-discharge alarm shall provide employees time to safely exit the discharge area prior to system discharge.

This alternative agent is formulated from a mixture of dry powders pressed together into pill form. Upon exposure to heat from a fire, a pyrotechnic charge initiates a series of exothermic, gas-producing reactions composed mainly of a mixture of nitrogen, carbon dioxide and water vapor, with small amounts of carbon monoxide, nitrous oxide, nitrogen dioxide, and solid residues. The oxygen level in the room is largely depleted, thus extinguishing the fire.

The manufacturer has proposed this technology for use in normally unoccupied areas only, such as engine nacelles and engine compartments, aircraft dry bay areas and unoccupied cargo areas. Comparing agents alone, deployment of 2.0 pounds of this agent at 400°F has an equivalent fire suppression effectiveness to 1.0 pound of Halon 1301 at 70°F.

This agent has no ODP. The carbon dioxide generated in the combustion of this agent has a GWP of 1.

2. Proposed Acceptable Subject to Narrowed Use Limits

a. Total Flooding Agents. (1) C₃F₈. C₃F₈ is proposed acceptable as a Halon 1301 substitute where other alternatives are not technically feasible due to performance or safety requirements: a) due to their physical or chemical properties or b) where human exposure to the agents may approach cardiosensitization levels or result in other unacceptable health effects under normal operating conditions. This agent is subject to the use conditions stipulated for all total flooding agents, that is:

- Where egress from an area cannot be accomplished within one minute, the employer shall not use this agent in concentrations exceeding its NOAEL.

- Where egress takes longer than 30 seconds but less than one minute, the employer shall not use the agent in a concentration greater than its LOAEL.

- Agent concentrations greater than the LOAEL are only permitted in areas not normally occupied by employees provided that any employee in the area can escape within 30 seconds. The employer shall assure that no unprotected employees enter the area during agent discharge.

Cup burner tests in heptane indicate that C₃F₈ can extinguish fires in a total flood application at concentrations of

7.30 per cent and therefore has a design concentration of 8.8 per cent. The cardiotoxic NOAEL of 30 per cent for this agent is well above its extinguishment concentration; therefore, it is safe for use in occupied areas. This agent has a weight equivalence of two-to-one by weight compared to Halon 1301.

Using agents in high concentrations poses a risk of asphyxiation by displacing oxygen. With an ambient oxygen level of 21 per cent, a design concentration of 22.6 per cent may reduce oxygen levels to approximately 16 per cent, the minimum level considered to be required to prevent impaired judgement or other physiological effects. Thus, the oxygen level resulting from discharge of this agent must be at least 16 per cent.

This agent has an atmospheric lifetime of 3,200 years and a 100-year GWP of 6,100. Due to the long atmospheric lifetime of C₃F₈, the Agency is finding this chemical acceptable only in those limited instances where no other alternative is technically feasible due to performance or safety requirements. In most total flooding applications, the Agency believes that alternatives to C₃F₈ exist. EPA intends that users select C₃F₈ out of need and that this agent be used as the agent of last resort. Thus, a user must determine that the requirements of the specific end-use preclude use of other available alternatives.

Users must observe the limitations on C₃F₈ acceptability by undertaking the following measures: (i) conduct an evaluation of foreseeable conditions of end use; (ii) determine that human exposure to the other alternative extinguishing agents may approach or result in cardiosensitization or other unacceptable toxicity effects under normal operating conditions; and (iii) determine that the physical or chemical properties or other technical constraints of the other available agents preclude their use.

EPA recommends that users minimize unnecessary emissions of this agent by limiting testing of C₃F₈ to that which is essential to meet safety or performance requirements; recovering C₃F₈ from the fire protection system in conjunction with testing or servicing; and destroying or recycling C₃F₈ for later use. EPA encourages manufacturers to develop aggressive product stewardship programs to help users avoid such unnecessary emissions.

(2) Sulfur Hexafluoride (SF₆). SF₆ is acceptable for use as a discharge test agent in military uses only. Sulfur Hexafluoride is a nonflammable, nontoxic gas which is colorless and

odorless. With a density of approximately five times that of air, it is one of the heaviest known gases. SF₆ is relatively inert, and has an atmospheric lifetime of 3,200 years, with a 100-year, 500-year, and 1,000-year GWP of 16,100, 26,110 and 32,803 respectively.

This agent has been developed by the U.S. Navy as a test gas simulant in place of halon in new halon total flooding systems on ships which have been under construction prior to identification and qualification of substitute agents. Halon systems are no longer included in designs for new ships. The Navy estimates its annual usage to be less than 10,000 pounds annually, decreasing over time. Thus, the Agency believes that the quantities involved are not significant.

While SF₆ is not currently used in the commercial sector and new halon systems are rarely installed, EPA is proposing a narrowed use limit to ensure that emissions of this agent remain minimal. The NFPA 12a and NFPA 2001 standards recommend that halon or other total flooding gases not be used in discharge testing, but that alternative methods of ensuring enclosure and piping integrity and system functioning be used. Alternative methods can often be used, such as the "door fan" test for enclosure integrity, UL 1058 testing to ensure system functioning, pneumatic test of installed piping, and a "puff" test to ensure against internal blockages in the piping network. These stringent design and testing requirements have largely obviated the need to perform a discharge test for total flood systems containing either Halon 1301 or a substitute agent.

3. Proposed Unacceptable

a. Total Flooding. (1) HFC-32. HFC-32 is proposed unacceptable as a total flooding agent. HFC-32 has been determined to be flammable, with a large flammability range, and is therefore inappropriate as a halon substitute when used as a pure agent. This agent was proposed acceptable in the first SNAP proposed rulemaking (58 FR 28093, May 12, 1993) but public comment received indicated agreement about the flammability characteristics of this agent. EPA is not aware of any interest in commercializing this agent as a fire suppression agent.

IV. Administrative Requirements

A. Executive Order 12866

Under Executive Order 12866, (58 FR 51735; October 4, 1993) the Agency must determine whether the regulatory

action is "significant" and therefore subject to OMB review and the requirements of the Executive Order. The Order defines "significant regulatory action" as one that is likely to result in a rule that may: (1) Have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities; (2) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; (3) materially alter the budgetary impact of entitlement, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order."

It has been determined that this rule is not a "significant regulatory action" under the terms of Executive Order 12866 and is therefore not subject to OMB review.

B. Regulatory Flexibility Act

The Regulatory Flexibility Act, 5 U.S.C. 601-602, requires that federal agencies examine the effects of their regulations on small entities. Under 5 U.S.C. 604(a), whenever an agency is required to publish a final rule-making, it must prepare a regulatory flexibility analysis (RFA). Such an analysis is not

required if the head of the Agency certifies that a rule will not have a significant economic effect on a substantial number of small entities, pursuant to 5 U.S.C. 605(b).

The agency believes that this final rule will not have a significant effect on a substantial number of small entities and has therefore concluded that a formal RFA is unnecessary. Because costs of the SNAP requirements as a whole are expected to be minor, the rule is unlikely to adversely affect businesses, particularly as the rule exempts small sectors and end-uses from reporting requirements and formal Agency review. In fact, to the extent that information gathering is more expensive and time-consuming for small companies, this rule may well provide benefits for small businesses anxious to examine potential substitutes to any ozone-depleting class I and class II substances they may be using, by requiring manufacturers to make information on such substitutes available.

C. Paperwork Reduction Act

The EPA has determined that this proposed rule contains no information requirements subject to the Paperwork Reduction Act 44 U.S.C. 3501 *et seq.*

V. Additional Information

Contact the Stratospheric Protection Hotline at 1-800-296-1996, Monday-Friday, between the hours of 10 a.m. and 4 p.m. (EST).

For more information on the Agency's process for administering the SNAP program or criteria for evaluation of substitutes, refer to the SNAP final rulemaking published in the *Federal Register* on March 18, 1994 (59 FR 13044). *Federal Register* notices can be ordered from the Government Printing Office Order Desk (202) 783-3238; the citation is the date of publication. Notices and rulemaking under the SNAP program can also be retrieved electronically from EPA's Technology Transfer Network (TTN), Clean Air Act Amendment Bulletin Board. The access number for users with a 1200 or 2400 bps modem is (919) 541-5742. For users with a 9600 bps modem the access number is (919) 541-1447. For assistance in accessing this service, call (919) 541-5384 during normal business hours (EST).

List of Subjects

40 CFR Part 9

Environmental protection, Reporting and recordkeeping requirements.

40 CFR Part 82

Environmental protection, Administrative practice and procedure, Air pollution control, Reporting and recordkeeping requirements.

Dated: September 16, 1994.

Carol M. Browner,
Administrator.

Appendix A to the Preamble: Summary of Proposed Decisions

REFRIGERANTS—PROPOSED ACCEPTABLE SUBJECT TO USE CONDITIONS

End-Use	Substitute	Decision	Comments
CFC-12 Automobile Motor Vehicle Air Conditioning (Retrofit and New Equipment/NIKS).	HFC-134a, R-401C, HCFC Blend Beta.	Proposed acceptable when (1) used with unique fittings and detailed labels and (2) all CFC-12 has been removed from the system prior to retrofitting. Refer to the text for a full description.	EPA is concerned that the existence of several substitutes in this end-use may increase the likelihood of significant refrigerant cross-contamination and potential failure of both air conditioning systems and recovery/recycling equipment. In addition, a smooth transition to the use of substitutes strongly depends on the continued purity of the recycled CFC-12 supply. For the purposes of this rule, no distinction is made between "retrofit" and "drop-in" refrigerants; retrofitting a car to use a new refrigerant includes all procedures that result in the air conditioning system using a new refrigerant.

REFRIGERANTS—PROPOSED ACCEPTABLE SUBJECT TO NARROWED USE LIMITS

End-Use	Substitute	Decision	Comments
CFC-11, CFC-12, CFC-113, CFC-114, CFC-115 Non-Mechanical Heat Transfer (Retrofit and New).	C ₃ F ₈ , C ₄ F ₁₀ , C ₆ F ₁₂ , C ₆ F ₁₁ NO, C ₆ F ₁₄ , C ₆ F ₁₃ NO, C ₇ F ₁₆ , C ₇ F ₁₅ NO, C ₈ F ₁₈ , C ₈ F ₁₆ O, AND C ₉ F ₂₀ N.	Proposed acceptable only where no other alternatives are technically feasible due to safety or performance requirements.	Users must observe the limitations on PFC acceptability by determining that the physical or chemical properties or other technical constraints of the other available agents preclude their use. Documentation of such measures must be available for review upon request. The principal environmental characteristic of concern for PFCs is that they have high GWPs and long atmospheric lifetimes.

REFRIGERANTS—PROPOSED UNACCEPTABLE SUBSTITUTES

End-Use	Substitute	Decision	Comments
CFC-11, CFC-12, CFC-113, CFC-114, R-500 Centrifugal Chillers (Retrofit and New Equipment/NIKS).	R-405A	Proposed Unacceptable.	R-405A contains R-c318, a PFC, which has an extremely high GWP and lifetime. Other substitutes exist which do not contain PFCs.
	Hydrocarbon Blend Beta.	Proposed Unacceptable.	Flammability is a serious concern. Data have not been submitted to demonstrate it can be used safely in this end-use.
CFC-12 Reciprocating Chillers (Retrofit and New Equipment/NIKS).	R-405A	Proposed Unacceptable.	R-405A contains R-c318, a PFC, which has an extremely high GWP and lifetime. Other substitutes exist which do not contain PFCs.
	Hydrocarbon Blend Beta.	Proposed Unacceptable.	Flammability is a serious concern. Data have not been submitted to demonstrate it can be used safely in this end-use.
CFC-11, CFC-12, R-502 Industrial Process Refrigeration (Retrofit and New Equipment/NIKS).	R-403B	Proposed Unacceptable.	R-403B contains R-218, a PFC, which has an extremely high GWP and lifetime. Other substitutes exist which do not contain PFCs.
	R-405A	Proposed Unacceptable.	R-405A contains R-c318, a PFC, which has an extremely high GWP and lifetime. Other substitutes exist which do not contain PFCs.
CFC-12, R-502 Ice Skating Rinks (Retrofit and New Equipment/NIKS).	R-405A	Proposed Unacceptable.	R-405A contains R-c318, a PFC, which has an extremely high GWP and lifetime. Other substitutes exist which do not contain PFCs.
	Hydrocarbon Blend Beta.	Proposed Unacceptable.	Flammability is a serious concern. Data have not been submitted to demonstrate it can be used safely in this end-use.
CFC-12, R-502 Cold Storage Warehouses (Retrofit and New Equipment/NIKS).	R-403B	Proposed Unacceptable.	R-403B contains R-218, a PFC, which has an extremely high GWP and lifetime. Other substitutes exist which do not contain PFCs.
	R-405A	Proposed Unacceptable.	R-405A contains R-c318, a PFC, which has an extremely high GWP and lifetime. Other substitutes exist which do not contain PFCs.
	Hydrocarbon Blend Beta.	Proposed Unacceptable.	Flammability is a serious concern. Data have not been submitted to demonstrate it can be used safely in this end-use.
CFC-12, R-500, R-502 Refrigerated Transport (Retrofit and New Equipment/NIKS).	R-403B	Proposed Unacceptable.	R-403B contains R-218, a PFC, which has an extremely high GWP and lifetime. Other substitutes exist which do not contain PFCs.
	R-405A	Proposed Unacceptable.	R-405A contains R-c318, a PFC, which has an extremely high GWP and lifetime. Other substitutes exist which do not contain PFCs.
	Hydrocarbon Blend Beta.	Proposed Unacceptable.	Flammability is a serious concern. Data have not been submitted to demonstrate it can be used safely in this end-use.
CFC-12, R-502 Retail Food Refrigeration (Retrofit and New Equipment/NIKS).	R-403B	Proposed Unacceptable.	R-403B contains R-218, a PFC, which has an extremely high GWP and lifetime. Other substitutes exist which do not contain PFCs.
	R-405A	Proposed Unacceptable.	R-405A contains R-c318, a PFC, which has an extremely high GWP and lifetime. Other substitutes exist which do not contain PFCs.
	Hydrocarbon Blend Beta.	Proposed Unacceptable.	Flammability is a serious concern. Data have not been submitted to demonstrate it can be used safely in this end-use.

REFRIGERANTS—PROPOSED UNACCEPTABLE SUBSTITUTES—Continued

End-Use	Substitute	Decision	Comments
CFC-12, R-502 Commercial Ice Machines (Retro- fit and New Equipment/NIKs).	R-403B	Proposed Unac- ceptable.	R-403B contains R-218, a PFC, which has an extremely high GWP and life- time. Other substitutes exist which do not contain PFCs.
	R-405A	Proposed Unac- ceptable.	R-405A contains R-c318, a PFC, which has an extremely high GWP and life- time. Other substitutes exist which do not contain PFCs.
	Hydrocarbon Blend Beta.	Proposed Unac- ceptable.	Flammability is a serious concern. Data have not been submitted to dem- onstrate it can be used safely in this end-use.
CFC-12 Vending Machines (Retro- fit and New Equipment/NIKs).	R-405A	Proposed Unac- ceptable.	R-405A contains R-c318, a PFC, which has an extremely high GWP and life- time. Other substitutes exist which do not contain PFCs.
	Hydrocarbon Blend Beta.	Proposed Unac- ceptable.	Flammability is a serious concern. Data have not been submitted to dem- onstrate it can be used safely in this end-use.
CFC-12 Water Coolers (Retrofit and New Equip- ment/NIKs).	R-405A	Proposed Unac- ceptable.	R-405A contains R-c318, a PFC, which has an extremely high GWP and life- time. Other substitutes exist which do not contain PFCs.
	Hydrocarbon Blend Beta.	Proposed Unac- ceptable.	Flammability is a serious concern. Data have not been submitted to dem- onstrate it can be used safely in this end-use.
CFC-12 Household Refrigerators (Retrofit and New Equipment/NIKs).	R-405A	Proposed Unac- ceptable.	R-405A contains R-c318, a PFC, which has an extremely high GWP and life- time. Other substitutes exist which do not contain PFCs.
	Hydrocarbon Blend Beta.	Proposed Unac- ceptable.	Flammability is a serious concern. Data have not been submitted to dem- onstrate it can be used safely in this end-use.
CFC-12, R-502 Household Freez- ers (Retrofit and New Equipment/ NIKs).	R-403B	Proposed Unac- ceptable.	R-403B contains R-218, a PFC, which has an extremely high GWP and life- time. Other substitutes exist which do not contain PFCs.
	R-405A	Proposed Unac- ceptable.	R-405A contains R-c318, a PFC, which has an extremely high GWP and life- time. Other substitutes exist which do not contain PFCs.
	Hydrocarbon Blend Beta.	Proposed Unac- ceptable.	Flammability is a serious concern. Data have not been submitted to dem- onstrate it can be used safely in this end-use.
CFC-12, R-500 Residential Dehumidifiers (Retrofit and New Equipment/NIKs).	R-405A	Proposed Unac- ceptable.	R-405A contains R-c318, a PFC, which has an extremely high GWP and life- time. Other substitutes exist which do not contain PFCs.
	Hydrocarbon Blend Beta.	Proposed Unac- ceptable.	Flammability is a serious concern. Data have not been submitted to dem- onstrate it can be used safely in this end-use.
CFC-12 Motor Ve- hicle Air Condi- tioners (Retrofit and New Equip- ment/NIKs).	R-405A	Proposed Unac- ceptable.	R-405A contains R-c318, a PFC, which has an extremely high GWP and life- time. Other substitutes exist which do not contain PFCs.
	Hydrocarbon Blend Beta.	Proposed Unac- ceptable.	Flammability is a serious concern. Data have not been submitted to dem- onstrate it can be used safely in this end-use.
	Flammable Sub- stitutes.	Proposed Unac- ceptable.	The risks associated with using flammable substitutes in this end-use have not been addressed by a risk assessment.

SOLVENT CLEANING SECTOR—PROPOSED ACCEPTABLE SUBJECT TO USE CONDITIONS SUBSTITUTES

Application	Substitute	Decision	Conditions	Comments
Electronics Cleaning w/CFC-113, MCF.	HCFC-225 ca/cb ..	Acceptable	Subject to the company set exposure limit of 25 ppm of the -ca isomer.	HCFC-225 ca/cb blend is offered as a 45%-ca/55%-cb blend. The company set exposure limit of the -ca isomer is 25 ppm. The company set exposure limit of the -cb isomer is 250 ppm. It is the Agency's opinion that with the low emission cold cleaning and vapor degreasing equipment designed for this use, the 25 ppm limit of the HCFC-225 ca isomer can be met. The company is submitting further exposure monitoring data.
Precision Cleaning w/CFC-113, MCF.	HCFC-225 ca/cb ..	Acceptable	Subject to the company set exposure limit of 25 ppm of the -ca isomer.	HCFC-225 ca/cb blend is offered as a 45%-ca/55%-cb blend. The company set exposure limit of the -ca isomer is 25 ppm. The company set exposure limit of the -cb isomer is 250 ppm. It is the Agency's opinion that with the low emission cold cleaning and vapor degreasing equipment designed for this use, the 25 ppm limit of the HCFC-225 ca isomer can be met. The company is submitting further exposure monitoring data.

SOLVENT CLEANING SECTOR—PROPOSED UNACCEPTABLE SUBSTITUTES

End use	Substitute	Decision	Comments
Metals cleaning w/ CFC-113.	Dibromomethane ...	Unacceptable	High ODP; other alternatives exist.
Metals cleaning w/ MCF.	Dibromomethane ...	Unacceptable	High ODP; other alternatives exist.
Electronics cleaning w/CFC-113.	Dibromomethane ...	Unacceptable	High ODP; other alternatives exist.
Electronics cleaning w/MCF.	Dibromomethane ...	Unacceptable	High ODP; other alternatives exist.
Precision cleaning w/CFC-113.	Dibromomethane ...	Unacceptable	High ODP; other alternatives exist.
Precision cleaning w/MCF.	Dibromomethane ...	Unacceptable	High ODP; other alternatives exist.

FIRE SUPPRESSION AND EXPLOSION PROTECTION—PROPOSED ACCEPTABLE SUBJECT TO USE CONDITIONS: TOTAL FLOODING AGENTS

Application	Substitute	Decision	Conditions	Comments
Halon 1301 Total flooding agents	C ₃ F ₈	Proposed acceptable where other alternatives are not technically feasible due to performance or safety requirements: a. due to their physical or chemical properties, or b. where human exposure to the extinguishing agents may approach cardio-sensitization levels or result in other unacceptable health effects under normal operating conditions ..	Until OSHA establishes applicable workplace requirements, EPA proposes: For occupied areas from which personnel cannot be evacuated in one minute, use is permitted only up to concentrations not exceeding the cardiotoxicity NOAEL of 30. Although no LOAEL has been established for this product, standard OSHA requirements apply, i.e. for occupied areas from which personnel can be evacuated or egress can occur between 30 and 60 seconds, use is permitted up to a concentration not exceeding the LOAEL. All personnel must be evacuated before concentration of C ₃ F ₈ exceeds 30%. Design concentration must result in oxygen levels of at least 16%.	The comparative design concentration based on cup burner values is approximately 8.8%. Users must observe the limitations on PFC acceptability by making reasonable efforts to undertake the following measures: (i) conduct an evaluation of foreseeable conditions of end use; (ii) determine that human exposure to the other alternative extinguishing agents may approach or result in cardio-sensitization or other unacceptable toxicity effects under normal operating conditions; and (iii) determine that the physical or chemical properties or other technical constraints of the other available agents preclude their use; Documentation of such measures must be available for review upon request. The principal environmental characteristic of concern for PFCs is that they have high GWPs and long atmospheric lifetimes. Actual contributions to global warming depend upon the quantities of PFCs emitted. For additional guidance regarding applications in which PFCs may be appropriate, users should consult the description of potential uses which is included in the March 18, 1994 Rulemaking (59 FR 13043). See additional comments 1, 2, 3, 4.
	CF ₃ I	Proposed acceptable in normally unoccupied areas.	EPA proposes that any employee who could possibly be in the area must be able to escape within 30 seconds. The employer shall assure that no unprotected employees enter the area during agent discharge.	Manufacturer has not applied for listing for use in normally occupied areas. Preliminary cardio-sensitization data indicates that this agent would not be suitable for use in normally occupied areas. EPA is awaiting results of ODP calculations. See additional comments 1, 2, 3, 4.

FIRE SUPPRESSION AND EXPLOSION PROTECTION—PROPOSED ACCEPTABLE SUBJECT TO USE CONDITIONS: TOTAL FLOODING AGENTS—Continued

Application	Substitute	Decision	Conditions	Comments
	Gelled halocarbon/dry chemical suspension.	Proposed acceptable in normally unoccupied areas.	EPA proposes that any employee who could possibly be in the area must be able to escape within 30 seconds. The employer shall assure that no unprotected employees enter the area during agent discharge.	The manufacturer's SNAP application requested listing for use in unoccupied areas only. See additional comment 2.
	Inert gas/powdered aerosol blend.	Proposed acceptable as a Halon 1301 substitute in normally unoccupied areas.	In areas where personnel could possibly be present, as in a cargo area, EPA proposes that the employer shall provide a pre-discharge employee alarm capable of being perceived above ambient light or noise levels for alerting employees before system discharge. The pre-discharge alarm shall provide employees time to safely exit the discharge area prior to system discharge.	The manufacturer's SNAP application requested listing for use in unoccupied areas only. See additional comment 2.

Additional Comments

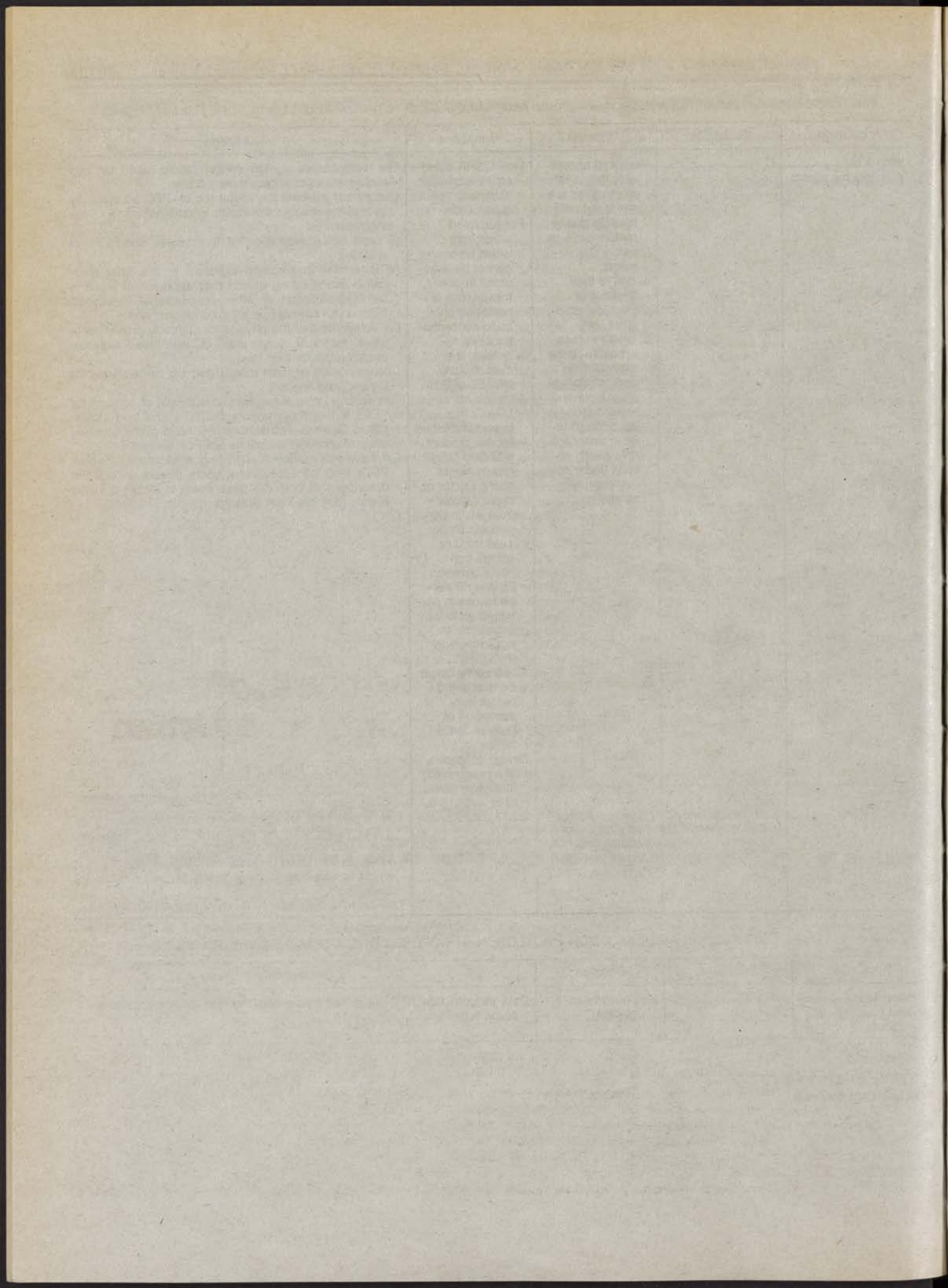
- 1—Must conform with OSHA 29 CFR 1910 Subpart L Section 1910.160 of the U.S. Code.
- 2—Per OSHA requirements, protective gear (SCBA) must be available in the event personnel must enter/reenter the area.
- 3—Discharge testing should be strictly limited only to that which is essential to meet safety or performance requirements.
- 4—The agent should be recovered from the fire protection system in conjunction with testing or servicing, and recycled for later use or destroyed.

FIRE SUPPRESSION AND EXPLOSION PROTECTION—PROPOSED ACCEPTABLE SUBJECT TO NARROWED USE LIMITS: TOTAL FLOODING AGENTS

Application	Substitute	Decision	Conditions	Comments
Halon 1301 Total flooding agents	C ₃ F ₈	Proposed acceptable where other alternatives are not technically feasible due to performance or safety requirements: a. due to their physical or chemical properties, or b. where human exposure to the extinguishing agents may approach cardio-sensitization levels or result in other unacceptable health effects under normal operating conditions.	Until OSHA establishes applicable workplace requirements: For occupied areas from which personnel cannot be evacuated in one minute, use is permitted only up to concentrations not exceeding the cardiotoxicity NOAEL of 30%. Although no LOAEL has been established for this product, standard OSHA requirements apply, i.e. for occupied areas from which personnel can be evacuated or egress can occur between 30 and 60 seconds, use is permitted up to a concentration not exceeding the LOAEL. All personnel must be evacuated before concentration of C ₃ F ₈ exceeds 30%. Design concentration must result in oxygen levels of at least 16%.	The comparative design concentration based on cup burner values is approximately 8.8%. Users must observe the limitations on PFC acceptability by making reasonable efforts to undertake the following measures: (i) conduct an evaluation of foreseeable conditions of end use; (ii) determine that human exposure to the other alternative extinguishing agents may approach or result in cardio-sensitization or other unacceptable toxicity effects under normal operating conditions; and (iii) determine that the physical or chemical properties or other technical constraints of the other available agents preclude their use; Documentation of such measures must be available for review upon request. The principal environmental characteristic of concern for PFCs is that they have high GWPs and long atmospheric lifetimes. Actual contributions to global warming depend upon the quantities of PFCs emitted. For additional guidance regarding applications in which PFCs may be appropriate, users should consult the description of potential uses which is included in the March 18, 1994 Final Rulemaking (58 FR 13043).
	Sulfurhexafluoride (SF ₆).	Proposed acceptable as a discharge test agent in military uses only.	This agent has an atmospheric lifetime greater than 1,000 years, with an estimated 100-year, 500-year, and 1,000-year GWP of 16,100, 26,110, and 32,803 respectively. Users should limit testing only to that which is essential to meet safety or performance requirements. This agent is only used to test new Halon 1301 systems.

FIRE SUPPRESSION AND EXPLOSION PROTECTION—PROPOSED UNACCEPTABLE SUBSTITUTES

Application	Substitute	Decision	Comments
Halon 1301 ... Total flooding agents.	HFC-32	Proposed unacceptable	Data indicate that HFC-32 is flammable and therefore is not suitable as a halon substitute.



Registered
Federal Project

Monday
September 26, 1994

Part III

**Department of
Housing and Urban
Development**

Office of the Secretary

**Office of the Assistant Secretary for
Public and Indian Housing**

**Delegation and Redelelegation of Authority
for Issuing Loan Guarantees; Notices**

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**Office of the Secretary**

[Docket No. D-94-1071; FR-3781-D-01]

Delegation of Authority for Issuing Loan Guarantees

AGENCY: Office of the Secretary, HUD.

ACTION: Notice of delegation of authority.

SUMMARY: Within this notice, the Secretary is delegating his authority under the Section 184 Loan Guarantees for Indian Housing program, 12 U.S.C. 1715z-13a, to the Assistant Secretary for Public and Indian Housing. In this program, the Department guarantees certain housing loans made to Indian families and Indian housing authorities.

EFFECTIVE DATE: September 19, 1994.**FOR FURTHER INFORMATION CONTACT:**

Dominic A. Nessi, Director, Office of Native American Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, Room B-133, 451 7th Street, SW, Washington, DC 20410, telephone (202) 755-0032 or (202) 708-0850 (voice/TDD). (These are not toll free numbers.)

SUPPLEMENTARY INFORMATION: Section 184 of the Housing and Community Development Act of 1992 (Public Law 102-550, approved October 28, 1992), codified at 12 U.S.C. 1715z-13a, authorizes the establishment of the Indian Housing Loan Guarantee Fund (the Fund) to provide access to sources of private financing to Indian families and Indian housing authorities who otherwise could not acquire housing financing because of the unique legal status of Indian trust land. In general, these lands, held in trust by the United States for the benefit of an Indian or Indian tribe, are inalienable. Trust lands under this program also include lands to which the title is held by an Indian tribe subject to a restriction against alienation imposed by the United States. Because the title to individual plots does not convey, and liens do not attach, conventional mortgage lending practices do not operate in this forum.

The Fund addresses these obstacles to mortgage financing by guaranteeing loans made to Indian families or Indian housing authorities to construct, acquire, or rehabilitate 1- to 4-family dwellings that are standard housing and are located on trust land or land located in an Indian or Alaska Native area. The guarantee of the loan will cover 100 percent of the unpaid principal and interest. Borrowers will be required to pay a 1% guarantee fee at closing. A

loan term of up to 30 years is permitted by statute, but is not required.

The statute authorizes the Secretary of the Department of Housing and Urban Development to approve loans for guarantee, issue certificates as evidence of the guarantees, and carry out other responsibilities associated with the program. To facilitate the administration of this program, the Secretary is delegating all of his power and authority under section 184 to the Assistant Secretary for Public and Indian Housing.

Therefore, the Secretary delegates as follows:

Section A. Authority Delegated

The Secretary of Housing and Urban Development delegates to the Assistant Secretary for Public and Indian Housing all power and authority of the Secretary with respect to the Loan Guarantees for Indian Housing program, 12 U.S.C. 1715z-13a (Section 184 of the Housing and Community Development Act of 1992).

Authority: Section 7(d) Department of Housing and Urban Development Act, 42 U.S.C. Section 3535(d).

Dated: September 19, 1994.

Henry G. Cisneros,
Secretary.

[FR Doc. 94-23710 Filed 9-23-94; 8:45 am]

BILLING CODE 4210-32-P

Office of the Assistant Secretary for Public and Indian Housing

[Docket No. D-94-1072; FR-3781-D-02]

Redelegation of Authority for Issuing Loan Guarantees

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Notice of redelegation of authority.

SUMMARY: Within this notice, the Assistant Secretary for Public and Indian Housing is redelegating authority under the Section 184 Loan Guarantees for Indian Housing program, 12 U.S.C. 1715z-13a, to the Director of the Office of Native American Programs, the Deputy Director for Headquarter Operations, the Deputy Director for Field Operations, and the Administrators of Field Offices of Native American Programs. In this program, the Department guarantees certain housing loans made to Indian families and Indian housing authorities.

EFFECTIVE DATE: September 19, 1994.**FOR FURTHER INFORMATION CONTACT:**

Dominic A. Nessi, Director, Office of

Native American Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, Room B-133, 451 7th Street SW., Washington, DC 20410, (202) 755-0032 or (202) 708-0850 (voice/TDD). (These are not toll free numbers.)

SUPPLEMENTARY INFORMATION: Section 184 of the Housing and Community Development Act of 1992 (Public Law 102-550, approved October 28, 1992), codified at 12 U.S.C. 1715z-13a, authorizes the establishment of the Indian Housing Loan Guarantee Fund (the Fund) to provide access to sources of private financing to Indian families and Indian housing authorities who otherwise could not acquire housing financing because of the unique legal status of Indian trust land. In general, these lands, held in trust by the United States for the benefit of an Indian or Indian tribe, are inalienable. Trust lands under this program also include lands to which the title is held by an Indian tribe subject to a restriction against alienation imposed by the United States. Because title to individual plots does not convey, and liens do not attach, conventional mortgage lending practices do not operate in this forum.

The Fund addresses these obstacles to mortgage financing by guaranteeing loans made to Indian families or Indian housing authorities to construct, acquire, or rehabilitate 1- to 4-family dwellings that are standard housing and are located on trust land or land located in an Indian or Alaska Native area. The guarantee of the loan will cover 100 percent of the unpaid principal and interest. Borrowers will be required to pay a 1% guarantee fee at closing. A loan term of up to 30 years is permitted by statute, but is not required.

In a delegation of authority appearing elsewhere in the *Federal Register* today, the Secretary of Housing and Urban Development has delegated all of his authority under the Section 184 Loan Guarantees for Indian Housing program, to the Assistant Secretary for Public and Indian Housing. Within this notice, the Assistant Secretary for Public and Indian Housing retains and redelegates this authority, except for certain power and authority specifically excepted from the redelegation, to the Director of the Office of Native American Programs, the Deputy Director for Headquarter Operations, the Deputy Director for Field Operations, which positions are at headquarters, and to the Administrators of Field Offices of Native American Programs, in the field.

Therefore, the Assistant Secretary for Public and Indian Housing redelegates as follows:

Section A. Authority Redelegated

1. The Assistant Secretary for Public and Indian Housing redelegates, to the Director of the Office of Native American Programs, the Deputy Director for Headquarters Operations, and the Deputy Director for Field Operations, all power and authority of the Assistant Secretary for Public and Indian Housing with respect to the Loan Guarantees for Indian Housing program, 12 U.S.C. 1715z-13a (section 184 of the

Community and Development Act of 1992), except for the power and authority to issue waivers of regulations.

2. The Assistant Secretary for Public and Indian Housing redelegates, to the Administrators of Field Offices of Native American Programs, all power and authority of the Assistant Secretary for Public and Indian Housing with respect to the Loan Guarantees for Indian Housing program, 12 U.S.C. 1715z-13a (Section 184 of the Community and Development Act of

1992), except for the power and authority to issue rules, regulations, and waivers of regulations.

Authority: Section 7(d), Department of Housing and Urban Development Act, 42 U.S.C. Section 3535(d).

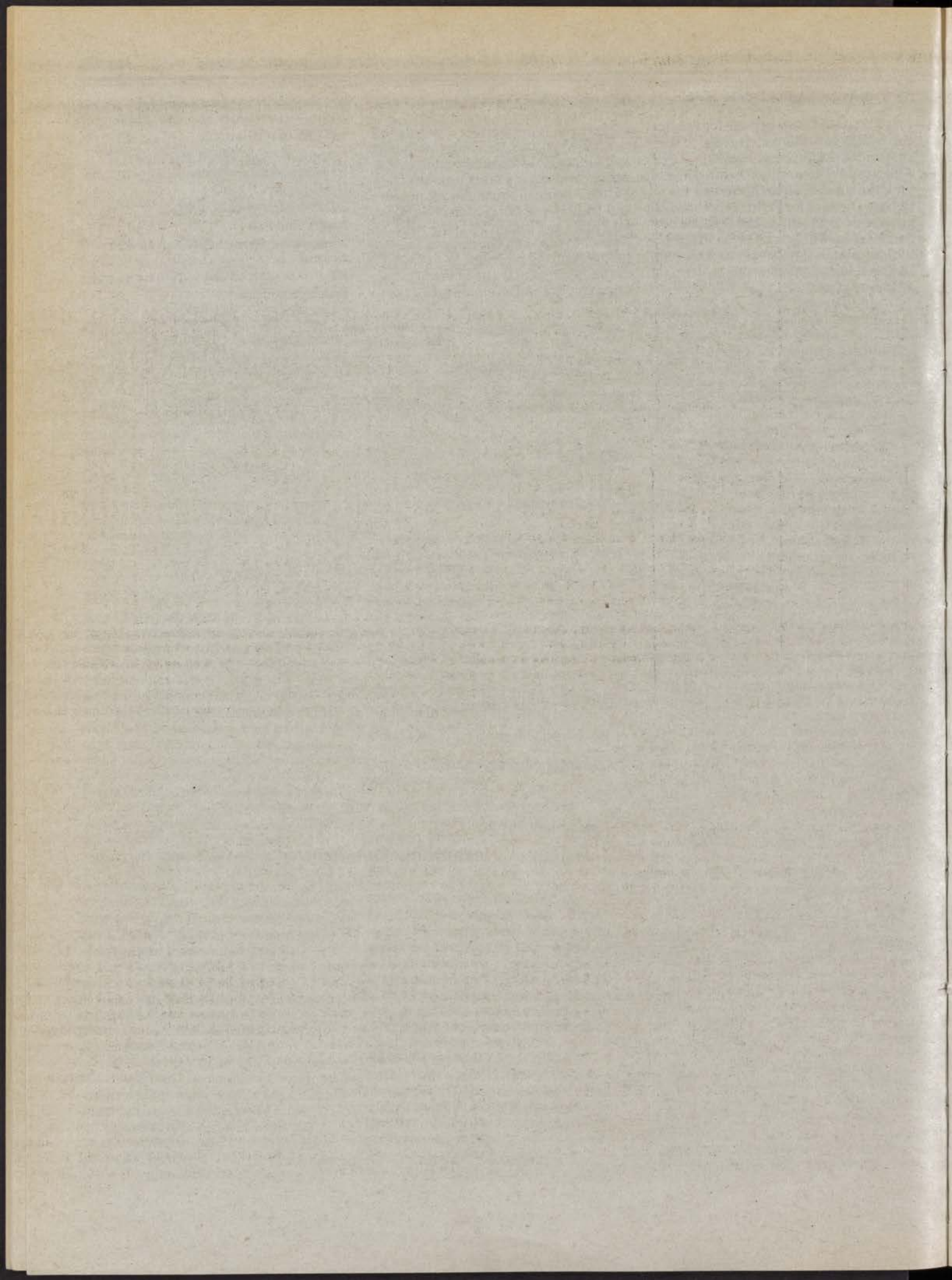
Dated: September 19, 1994.

Joseph Shuldiner,

Assistant Secretary for Public and Indian Housing.

[FR Doc. 94-23709 Filed 9-23-94; 8:45 am]

BILLING CODE 4210-33-P



Federal Register

Monday
September 26, 1994

Part IV

Department of Transportation

Research and Special Programs
Administration

49 CFR Part 106, et al.

Hazardous Materials Regulations; Editorial
Corrections and Clarifications; Final Rule

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Parts 106, 107, 110, 130, 171, 172, 173, 174, 175, 176, 177, 178, 179, and 180

[Docket No. HM-189K, Amdt. Nos. 106-10, 107-32, 110-3, 130-2, 171-2, 172-127, 173-138, 174-78, 175-51, 176-35, 177-83, 178-104, 179-49, and 180-6]

RIN 2137-AC44

Hazardous Materials Regulations; Editorial Corrections and Clarifications

AGENCY: Research and Special Programs Administration (RSPA), DOT.

ACTION: Final rule.

SUMMARY: In this final rule, RSPA is correcting editorial errors, making minor regulatory changes and, in response to requests for clarification, improving the clarity of certain provisions to the Hazardous Materials Regulations (HMR). In addition, RSPA is revising legal citations in the HMR based on the codification of the hazardous materials transportation laws. The intended effect of this rule is to enhance accuracy and reduce misunderstandings of the HMR. The amendments contained in this rule are minor editorial changes and do not impose new requirements.

EFFECTIVE DATE: September 26, 1994.

FOR FURTHER INFORMATION CONTACT: Jennifer Antonielli, Office of Hazardous Materials Standards, (202) 366-4488, Research and Special Programs Administration, U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590-0001.

SUPPLEMENTARY INFORMATION:

Background

RSPA annually reviews the Hazardous Materials Regulations (HMR) to detect errors which may be causing confusion to readers. Inaccuracies corrected in this final rule include typographical errors, incorrect references to other rules and regulations in the CFR, inconsistent use of terminology, and misstatements of certain regulatory requirements. In response to inquiries RSPA received concerning the clarity of particular requirements specified in the HMR, certain other changes are made to reduce uncertainties. In addition, RSPA is revising all legal citations contained in the HMR to reflect the codification of transportation laws relating to hazardous materials under 49 U.S.C. 5101-5127.

Since these amendments do not impose new requirements, notice and public procedure are unnecessary. For the same reason, there is good cause to make these amendments effective without the customary 30-day delay following publication. This will allow the changes to appear in the next revision of 49 CFR.

The following is a section-by-section summary of the amendments made under this final rule. It does not discuss editorial corrections (e.g., typographical, capitalization, and punctuation errors) or changes to the legal citations.

Part 106

Section 106.3. Paragraph (b) is revised to reflect the correct title of the Associate Administrator for Pipeline Safety, and a new paragraph (c) is added which delegates authority to the Associate Administrator for Research, Technology and Analysis.

Appendix A to Part 106. Appendix A to part 106 is removed because it duplicates the provisions in § 106.3.

Part 107

Section 107.329. In paragraphs (a) and (b), references to "subchapter B of this chapter" are revised to read "this subchapter".

Section 107.403. In paragraph (c), references to "Director" are revised to reflect the correct title of the Associate Administrator for Hazardous Materials Safety.

Section 107.503. Paragraph (c) is revised to reflect the correct reference to the ASME Certificate of Authorization.

Part 171

Section 171.2. The term "rail freight car" is replaced with "rail car".

Section 171.7. The entry for Compressed Gas Association is revised to reflect the correct address.

Section 171.8. In the definition of "NPT", the wording "in compliance with the" is revised to read "conforming to" for consistency.

Section 171.11. In paragraph (d)(6)(i), the wording "§ 171.203(d)(1)(iii)" is revised to reflect the correct section reference.

Section 171.12. In paragraph (d)(1), the wording "§ 171.203(d)(1)(iii)" is revised to reflect the correct section reference.

Part 172

Section 172.101. All references to "the appendix" in paragraph (c)(8) are revised to read "Appendix A". In paragraph (g), the reference to "subpart D" is revised to read "subpart E". In addition, paragraph (d)(4) is amended to refer to "§ 173.150 (e) or (f)" since both

provisions set forth criteria for reclassifying a material as a combustible liquid.

The Hazardous Materials Table (the Table). In the Table, the entry "Ethylene oxide and carbon dioxide mixtures, see Carbon dioxide and ethylene oxide mixtures, etc." is removed because "Carbon dioxide and ethylene oxide mixtures" is not listed as a proper shipping name.

Section 172.102. Special Provision 14 is amended to clarify the definition of motor fuel antiknock mixtures. Special Provision 42 is removed because the same provision appears in § 173.218. In Special Provision B33, the phrase "is subject to the following requirements," is revised to read "must conform to Table 1 as follows." In paragraph (c)(7)(ii), the statement "These provisions apply only to transportation in IM portable tanks;" is removed because it duplicates the introductory text of paragraph (c)(7). Special Provision T31 is amended by correcting the abbreviation "kpa" to "kPa". Additionally, in Special Provision T31, the temperature "65 °C" is revised to read "65.6 °C".

Section 172.203. Paragraph (h)(2)(i) is amended by replacing the word "to" with the word "of" preceding the words "this subchapter".

Section 172.505. In paragraph (a), immediately following the words "portable tank," the word "and" is removed and replaced with the word "or" for consistency.

Section 172.604. In paragraph (a)(3)(i), reference to "this part 172" is revised to read "this part".

Part 173

Section 173.12. Paragraph (d)(3) is removed because labpacks are only authorized for transportation by highway. Therefore, these requirements do not apply to marine pollutants because they are not regulated when packaged in non-bulk packagings and transported by highway.

Section 173.32. The wording in paragraph (g) "bad dents" is revised to read "significant dents" for consistency with paragraph (e)(2)(ii). An amendment is made in paragraph (q) to correct the wording "greater to or equal to" to read "greater than or equal to."

Section 173.33. In paragraph (c)(1)(iii), the word "shipped" is revised to read "loaded".

Section 173.34. Paragraph (e)(18)(i) is amended to correctly reference paragraph (e)(3) instead of (a)(3).

Section 173.116. In paragraph (a) table, "LC50" is corrected to read "LC₅₀" each place it appears.

Section 173.133 In paragraph (b)(1)(iv) table, references to "Hazard Zone C" and "Hazard Zone D" are removed because these zones only apply to gases (Division 2.3) and, in the entry "III (Hazard Zone D)" in column 2, the wording "Packing Groups I and II, Hazard Zones A, B and C" is revised to read "Packing Group I, Hazard Zones A and B, and Packing Group II".

Section 173.226 In paragraph (b)(4)(ii)(A), the word "and" is removed at the end of the sentence.

Section 173.230 In paragraph (d), the reference to Division "6.2" is revised to read Division "6.1".

Section 173.243 In paragraph (b)(2), the wording "cargo tanks" is added following "DOT 412".

Section 173.315 In Note 15, the section reference for "(QT) and (NQT)" marking requirements is corrected.

Section 173.318 The word "of" is revised to read "or" in paragraph (b)(1)(ii)(A). In paragraphs (b)(2)(i) (A) and (B), the words "his" and "this" are removed and replaced with the word "a". In paragraph (b)(6)(ii), the word "tanks" is revised to read "a tank". Parentheses are removed from "(MRHT)" in paragraph (g)(2)(i).

Appendix F to Part 173. A grammatical error is corrected in paragraph 2.(e).

Part 174

Section 174.63 In paragraph (b), the wording "Federal Railroad Administrator" is revised to reflect the "Associate Administrator for Safety, FRA".

Part 175

Section 175.320 In paragraph (a) table, for the entry "High explosives", in column 3, the wording "Blasting agent n.o.s." is revised to reflect the current shipping descriptions listed in the § 172.101 Table.

Section 175.700 The second sentence is removed because it is a duplicate of the first sentence.

Part 176

Section 176.415 In paragraph (b)(2), the wording "or unloading" is removed the second time it appears.

Section 176.600 In paragraph (d), the phrase "cool a reasonably" is corrected.

Part 177

Sections 177.839, 177.840 and 177.841 In paragraph (d) of these sections, the "s" is removed from the wording "cargo tanks".

Section 177.848 In paragraph (e)(6), the word "for" is added following the word "required" and preceding the word "any".

Section 177.860 In paragraph (a), the wording "materials which is" is corrected.

Part 178

Section 178.245-5. The wording "shall comply with" is revised to read "shall conform to".

Section 178.251-1. In paragraph (c), the wording "be in compliance with" is revised to read "conform".

Section 178.255-5. In paragraph (b), the wording "Every such valve" is revised to read "Each valve".

Section 178.255-12. In paragraph (a), the wording "pounds per square inch gauge" is abbreviated to "psig".

Section 178.270-11. In paragraph (b)(1), the word "transverse" is revised to read "transversal" to modify "center of the tank". In paragraph (d)(2), the phrase "or less than or" is revised to read "to less than or".

Sections 178.271-1 and 178.272-1. In paragraph (a), the wording "comply with" is revised to read "conform to".

Section 178.337-1. In paragraph (b), the word "chapter" is revised to read "subchapter". Also, in paragraph (d), the wording "unless it be" is corrected.

Section 178.337-2. In paragraph (a)(1), the wording "comply with" is revised to read "conform to". In paragraph (c), the wording "post weld" is revised to read "postweld".

Section 178.337-18. In paragraph (a)(3), the wording "comply with" is revised to read "conform to".

Section 178.348-10. In paragraph (d)(3), in the last sentence, all text after the word "acceptable" is removed.

Section 178.350-3. In paragraph (b), the section reference "§ 173.24" is revised to read "§ 172.310".

Part 180

Section 180.405. In paragraph (f)(6), the word "must" is removed and replaced with the word "shall".

Section 180.407. In paragraph (d)(4), the word "tank" is added following the word "cargo".

Rulemaking Analyses and Notices

Executive Order 12866 and DOT Regulatory Policies and Procedures

This final rule is not considered a significant regulatory action under section 3(f) of Executive Order 12866 and, therefore, was not subject to review by the Office of Management and Budget. This rule is not significant according to the Regulatory Policies and Procedures of the Department of Transportation (44 FR 11034). This final rule does not require a Regulatory Impact Analysis, or a regulatory evaluation, or an environmental

assessment or impact statement under the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*).

Executive Order 12612

This final rule has been analyzed in accordance with the principles and criteria in Executive Order 12612 ("Federalism") and does not have sufficient federalism impacts to warrant the preparation of a federalism assessment.

Regulatory Flexibility Act

I certify that this final rule will not have a significant economic impact on a substantial number of small entities. This rule makes minor editorial changes which will not impose any new requirements on persons subject to the HMR; thus, there are no direct or indirect adverse economic impacts for small units of government, businesses, or other organizations.

Paperwork Reduction Act

There are no new information collection requirements in this final rule.

List of Subjects

49 CFR Part 106

Administrative practice and procedure, Hazardous materials transportation, Oil, Pipeline safety.

49 CFR Part 107

Administrative practice and procedure, Hazardous materials transportation, Packaging and containers, Penalties, Reporting and recordkeeping requirements.

49 CFR Part 110

Disaster assistance, Education, Emergency preparedness, Grant programs—Environmental protection, Grant programs—Indians, Hazardous materials transportation, Hazardous substances, Indians, Reporting and recordkeeping requirements.

49 CFR Part 130

Oil, Response plans, Reporting and recordkeeping requirements, Transportation.

49 CFR Part 171

Exports, Hazardous materials transportation, Hazardous waste, Imports, Incorporation by reference, Reporting and recordkeeping requirements.

49 CFR Part 172

Hazardous materials transportation, Hazardous waste, Labeling, Markings, Packaging and containers, Reporting and recordkeeping requirements.

49 CFR Part 173

Hazardous materials transportation, Packaging and containers, Radioactive materials, Reporting and recordkeeping requirements, Uranium.

49 CFR Part 174

Hazardous materials transportation, Radioactive materials, Railroad safety

49 CFR Part 175

Air carriers, Hazardous materials transportation, Radioactive materials, Reporting and recordkeeping requirements.

49 CFR Part 176

Hazardous materials transportation, Maritime carriers, Radioactive materials, Reporting and recordkeeping requirements.

49 CFR Part 177

Hazardous materials transportation, Motor carriers, Radioactive materials, Reporting and recordkeeping requirements.

49 CFR Part 178

Hazardous materials transportation, Motor vehicle safety, Packaging and containers, Reporting and recordkeeping requirements.

49 CFR Part 179

Hazardous materials transportation, Railroad safety, Reporting and recordkeeping requirements.

49 CFR Part 180

Hazardous materials transportation, Motor carriers, Motor vehicle safety, Packaging and containers, Reporting and recordkeeping requirements.

In consideration of the foregoing, 49 CFR Chapter I is amended as follows:

PART 106—RULEMAKING PROCEDURES

1. The parenthetical authorities at the end of any sections in part 106 are removed and the authority citation is revised to read as follows:

Authority: 33 U.S.C. 1321; 49 U.S.C. 5101–5127, 40113, 60101–60125; 49 CFR 1.53.

2. In § 106.3, paragraph (b) is revised and a new paragraph (c) is added to read as follows:

§ 106.3 Delegations.

* * * * *

(b) Associate Administrator for Pipeline Safety.

(c) Associate Administrator for Research, Technology and Analysis.

Appendix A [Removed]

3. Appendix A to part 106 is removed.

PART 107—HAZARDOUS MATERIALS PROGRAM PROCEDURES

4. The parenthetical authorities at the end of any sections in part 107 are removed and the authority citation is revised to read as follows:

Authority: 49 U.S.C. 5101–5127, 44701, 49 CFR 1.45, 1.53.

§ 107.3 [Amended]

5. In § 107.3, the following changes are made:

a. In the first sentence of introductory text, the wording "Section 103 of the Act" is revised to read "49 U.S.C. 5102".

b. The term "Act" and its definition are removed.

c. For the definition "Person", in paragraph (2), the wording "sections 110 and 111 of the Act (49 App. U.S.C. 1809–1810)" is revised to read "49 U.S.C. 5123 and 5124".

d. For the definition "State", the wording "section 121 (49 App. U.S.C. 1819)" is revised to read "49 U.S.C. 5119".

6. In addition, in § 107.3, a new definition for "Federal hazardous material transportation law" is added in alphabetical order to read as follows:

§ 107.3 Definitions.

* * * * *

Federal hazardous material transportation law means 49 U.S.C. 5101 et seq.

* * * * *

§ 107.101 [Amended]

7. In § 107.101, the wording "Hazardous Materials Transportation Act" is removed and replaced with "Federal hazardous material transportation law".

§ 107.103 [Amended]

8. In § 107.103, the following changes are made:

a. In paragraph (a), the wording "46 CR" is revised to read "46 CFR".

b. In paragraph (b)(10), a semicolon is added immediately following the word "applicant" and preceding the word "and".

§ 107.111 [Amended]

9. In § 107.111, in paragraph (b)(3), a semicolon is added immediately following the word "applicant" and preceding the word "and".

§ 107.201 [Amended]

10. In § 107.201, the following changes are made:

a. In paragraph (a)(1), the wording "section 105(a)(4) or section 112(a)(1) or (a)(2) of the Act (49 App. U.S.C. 1804 and 1811)" is revised to read "49 U.S.C. 5125".

b. In paragraph (a)(2), the wording "section 105(a)(4) or section 112(a)(1) or (a)(2) of the Act" is revised to read "49 U.S.C. 5125".

c. In paragraph (c), the wording "the Act" is revised to read "Federal hazardous material transportation law".

11. In § 107.202, paragraphs (a), (b), and (c) are revised to read as follows:

§ 107.202 Standards for determining preemption.

(a) Except as provided in 49 U.S.C. 5125(c) and unless otherwise authorized by Federal law, any law, regulation, order, ruling, provision, or other requirement of a State, political subdivision, or Indian tribe, which concerns the following subjects and which is not substantively the same as any provision of the Federal hazardous materials transportation law or any regulation issued thereunder, is preempted:

(1) The designation, description, and classification of hazardous material.

(2) The packing, repacking, handling, labeling, marking, and placarding of hazardous material.

(3) The preparation, execution, and use of shipping documents pertaining to hazardous material and requirements related to the number, content, and placement of those documents.

(4) The written notification, recording, and reporting of the unintentional release in transportation of hazardous material.

(5) The design, manufacturing, fabrication, marking, maintenance, reconditioning, repairing, or testing of a packaging or a container which is represented, marked, certified, or sold as qualified for use in the transportation of hazardous material.

(b) Except as provided in § 107.221 and unless otherwise authorized by Federal law, any requirement of a State or political subdivision or Indian tribe is preempted if—

(1) Complying with a requirement of the State, political subdivision, or Indian tribe and a requirement under the Federal hazardous material transportation law or regulations issued thereunder is not possible;

(2) The requirement of the State, political subdivision, or Indian tribe, as applied or enforced, is an obstacle to accomplishing and carrying out the Federal hazardous material transportation law or regulations issued thereunder; or

(3) It is preempted under 49 U.S.C. 5125 (b) or (c).

(c) A State, political subdivision, or Indian tribe may impose a fee related to transporting hazardous material only if the fee is fair and used for a purpose

related to transporting hazardous material, including enforcement and planning, developing and maintaining a capability for emergency response.

* * * * *

§ 107.203 [Amended]

12. In § 107.203, the following changes are made:

a. In paragraph (b)(3), the wording "Act or the regulations issued under the Act" is revised to read "Federal hazardous material transportation law or the regulations issued thereunder".

b. In paragraph (c), the wording "Act or any regulation issued under the Act" is revised to read "Federal hazardous material transportation law or the regulations issued thereunder".

13. In addition, in § 107.203, paragraph (a) is revised to read as follows:

§ 107.203 Application.

(a) With the exception of highway routing matters covered under 49 U.S.C. 5125(c), any person, including a State, political subdivision, or Indian tribe, directly affected by any requirement of a State, political subdivision, or Indian tribe, may apply to the Associate Administrator for Hazardous Materials Safety for a determination of whether that requirement is preempted by § 107.202 (a) or (b).

* * * * *

§ 107.209 [Amended]

14. In § 107.209, the following changes are made:

a. In paragraph (b), the wording "Act or the regulations issued under the Act" is revised to read "Federal hazardous material transportation law or the regulations issued thereunder".

b. In paragraph (e), the wording "Act" is revised to read "Federal hazardous material transportation law" each place it appears.

§ 107.215 [Amended]

15. In § 107.215, the following changes are made:

a. In the first sentence of paragraph (a) introductory text, the wording "section 105(b) of the Act (49 App. U.S.C. 1804(b))" is revised to read "49 U.S.C. 5125(c)".

b. Also in paragraph (a) introductory text, the wording "Act or the regulations issued under the Act" is revised to read "Federal hazardous material transportation law or the regulations issued thereunder".

c. In paragraph (a)(1), the wording "Act or regulations issued under the Act" is revised to read "Federal hazardous material transportation law or the regulations issued thereunder".

d. In paragraphs (b)(4), (b)(5), and (b)(6), the wording "Act or the regulations issued under the Act" is revised to read "Federal hazardous material transportation law or the regulations issued thereunder" each place it appears.

§ 107.219 [Amended]

16. In § 107.219, in paragraphs (c)(1) and (c)(2), the wording "Act or the regulations issued under the Act" is revised to read "Federal hazardous material transportation law or the regulations issued thereunder" each place it appears.

§ 107.221 [Amended]

17. In § 107.221, the following changes are made:

a. In paragraph (b) introductory text, in the first sentence, the wording "Act and the regulations issued under the Act" is revised to read "Federal hazardous material transportation law or the regulations issued thereunder".

b. In paragraph (e), the wording "under the Act" is revised to read "under the Federal hazardous material transportation law".

18. In § 107.299, the definitions are placed in alphabetical order and the definition of "Investigation" is revised to read as follows:

§ 107.299 Definitions.

* * * * *

Investigation includes investigations authorized under 49 U.S.C. 5121 and inspections authorized under 49 U.S.C. 5118 and 5121.

§ 107.305 [Amended]

19. In § 107.305, the following changes are made:

a. In paragraphs (a) and (b), the wording "section 109(a) of the Act" is revised to read "49 U.S.C. 5121(a)" each place it appears.

b. In paragraph (b), in the second sentence, the wording "Section 109(b) of the Act" is revised to read "49 U.S.C. 5121(c)".

§ 107.311 [Amended]

20. In § 107.311, in paragraphs (a) and (b)(1), the wording "Act, an order issued under the Act" is revised to read "Federal hazardous material transportation law, an order issued thereunder" each place it appears.

§ 107.329 [Amended]

21. In § 107.329, the following changes are made:

a. In paragraphs (a) and (b), each reference to "subchapter B of this chapter" is revised to read "this subchapter".

b. Also, in paragraphs (a) and (b), the wording "Act, an order issued under the

Act" is revised to read "Federal hazardous material transportation law, an order issued thereunder" each place it appears.

§ 107.333 [Amended]

22. In § 107.333, the wording "Act or an order or regulation issued under the Act" is revised to read "Federal hazardous material transportation law or an order or regulation issued thereunder".

§ 107.337 [Amended]

23. In § 107.337, the following changes are made:

a. The wording "provision of the Act" is revised to read "provision of the Federal hazardous material transportation law".

b. At the end of the section, the wording "section 111(a) of the Act" is revised to read "49 U.S.C. 5122(a)".

§ 107.339 [Amended]

24. In § 107.339, the wording "section 111(b) of the Act" is revised to read "49 U.S.C. 5122(b)".

Subparts C, D, and E of Part 107—[Amended]

25. The authority citations for subparts C, D, and E of part 107 are removed.

§ 107.403 [Amended]

26. In § 107.403, in paragraph (c), the word "Director" is removed and replaced with "Associate Administrator for Hazardous Materials Safety", each place it appears.

§ 107.503 [Amended]

27. In § 107.503, in paragraph (c), in the last sentence, the wording "ASME Certification of Authorization" is revised to read "ASME Certificate of Authorization".

§§ 107.301, 107.307, 107.309, 107.335 [Amended]

28. In addition to the amendments set forth above, §§ 107.301, 107.307(a), 107.309(a), and 107.335 are amended by removing the word "Act" and inserting in its place "Federal hazardous material transportation law" each place it appears.

PART 110—HAZARDOUS MATERIALS PUBLIC SECTOR TRAINING AND PLANNING GRANTS

29. The authority citation for part 110 is revised to read as follows:

Authority: 49 U.S.C. 5101–5127, 49 CFR 1.53.

30. In § 110.20, the introductory paragraph and the definition of

"National curriculum" are revised to read as follows:

§ 110.20 Definitions.

Unless defined in this part, all terms defined in 49 U.S.C. 5102 are used in their statutory meaning and all terms defined in 49 CFR part 18 and OMB Circular A-102, with respect to administrative requirements for grants, are used as defined therein. Other terms used in this part are defined as follows:

* * * * *

National curriculum means the curriculum required to be developed under 49 U.S.C. 5115 and necessary to train public sector emergency response and preparedness teams, enabling them to comply with performance standards as stated in 49 U.S.C. 5115(c).

* * * * *

§ 110.30 [Amended]

31. In § 110.30, in paragraph (c) introductory text, the word "Tribe" is revised to read "tribe".

32. In addition, in § 110.30, paragraph (a) introductory text is revised to read as follows:

§ 110.30 Grant application.

(a) *General.* An applicant for a planning or training grant shall use only the standard application forms approved by the Office of Management and Budget (OMB) (SF-424 and SF-424A) under the Paperwork Reduction Act of 1980 (44 U.S.C. 3502). Applicants are required to submit an original and two copies of the application package to: Grants Manager, Research and Special Programs Administration, U.S. Department of Transportation, 400 7th Street, SW., Washington, DC 20590-0001. Applications received on or before January 1st and July 1st of each year will be considered in that cycle of the semi-annual review and award process. An initial round of the review and award process will consider applications received on or before November 15, 1992. Requests and continuation applications must include an original and two copies of the affected pages; previously submitted pages with information that is still current do not have to be resubmitted. The application must include the following:

* * * * *

§ 110.60 [Amended]

33. In § 110.60, in paragraph (a) introductory text, in the second sentence, the wording "hard match" is revised to read "hard-match"

§ 110.120 [Amended]

34. In § 110.120, in the last sentence, the wording "HMTUSA Grants Manager" is revised to read "Grants Manager".

PART 130—OIL SPILL PREVENTION AND RESPONSE PLANS

35. The authority citation for part 130 is revised to read as follows:

Authority: 33 U.S.C. 1321; 49 CFR 1.53.

PART 171—GENERAL INFORMATION, REGULATIONS, AND DEFINITIONS

36. The parenthetical authorities at the end of any sections in part 171 are removed and the authority citation is revised to read as follows:

Authority: 49 U.S.C. 5101-5127; 49 CFR 1.53.

§ 171.1 [Amended]

37. In § 171.1, the following changes are made:

a. In paragraph (c), the wording "of the Act, all orders and regulations issued under the Act" is revised to read "of the Federal hazardous material transportation law, all orders and regulations issued thereunder".

b. In addition, in paragraph (c), the wording "by the Act" is revised to read "by the Federal hazardous material transportation law".

§ 171.2 [Amended]

38. In § 171.2, the following changes are made:

a. In paragraph (f)(1), the wording "under the Act" is revised to read "under the Federal hazardous material transportation law".

b. In paragraphs (f)(2) and (g)(2), the term "rail freight car" is revised to read "rail car", each place it appears.

c. In paragraph (g)(1), the wording "Any marking label" is revised to read "Any marking, label".

d. Also in paragraph (g)(1), the wording "Act, or a regulation issued under the Act" is revised to read "Federal hazardous material transportation law, or the regulations issued thereunder".

39. In § 171.3, the Note in paragraph (b)(3)(iii) is revised to read as follows:

§ 171.3 Hazardous waste.

* * * * *

- (b) * * *
- (3) * * *
- (iii) * * *

Note: Federal law specifies penalties up to \$250,000 fine for an individual and \$500,000 for a company and 5 years imprisonment for the willful discharge of hazardous waste at other than designated facilities. 49 U.S.C. 5124.

* * * * *

§ 171.7 [Amended]

40. In § 171.7, the paragraph (a)(3) table, in the entry for Compressed Gas Association, Inc., the address "1235 Jefferson Davis Highway" is revised to read "1725 Jefferson Davis Highway".

§ 171.8 [Amended]

41. In § 171.8, the following changes are made:

a. For the definition of "NPT", the wording "in compliance with the" is revised to read "conforming to".

b. For the definition of "Person", in paragraph (2), the wording "sections 110 and 111 of the Hazardous Materials Transportation Act (49 App. U.S.C. 1809-1810)" is revised to read "49 U.S.C. 5123 and 5124".

42. In addition, in § 171.8, the definition of "Federal hazardous materials transportation law" is added in alphabetical order to read as follows:

§ 171.8 Definitions.

* * * * *

Federal hazardous material transportation law means 49 U.S.C. 5101 et seq.

* * * * *

§ 171.11 [Amended]

43. In § 171.11, in paragraph (d)(6)(i), the section reference "§ 172.203(d)(1)(iii)" is revised to read "§ 172.203(d)(4)".

§ 171.12 [Amended]

44. In § 171.12, in paragraph (d)(1), the section reference "§ 172.203(d)(1)(iii)" is revised to read "§ 172.203(d)(4)".

PART 172—HAZARDOUS MATERIALS TABLE, SPECIAL PROVISIONS, HAZARDOUS MATERIALS COMMUNICATIONS, EMERGENCY RESPONSE INFORMATION, AND TRAINING REQUIREMENTS

45. The authority citation for part 172 continues to read as follows:

Authority: 49 U.S.C. 5101-5127; 49 CFR 1.53.

§ 172.101 [Amended]

46. In § 172.101, the following changes are made:

a. In paragraph (c)(8) introductory text and paragraph (c)(8)(ii), the wording "the appendix" is revised to read "Appendix A" each place it appears.

b. In paragraph (d)(4), the reference "§ 173.150 (f)" is revised to read "§ 173.150(e) or (f)".

c. In paragraph (g), the reference "subpart D" is revised to read "subpart E".

d. In the Hazardous Materials Table, the following changes are made:

1. The entry "Ethylene oxide and carbon dioxide mixtures, see Carbon dioxide and ethylene oxide mixtures, etc." is removed.

2. For the entry "Mobility aids, see Wheel chair, electric.", in Column (2), the colon and period are removed at the end of the proper shipping name.

Appendix A to § 172.101 [Amended]

47. In appendix A to § 172.101, the following changes are made:

a. In the introductory text, in paragraph 1., in the second sentence, the wording "the Hazardous Materials Transportation Act" is revised to read "49 U.S.C. 5101-5127".

b. In the introductory text, in paragraph 1., in the last sentence, the wording "the Hazardous Materials Transportation Act (49 U.S.C. 1801 et seq.)" is revised to read "49 U.S.C. 5101-5127".

c. In Table 1—Hazardous Substances Other Than Radionuclides, the following changes are made:

1. For the entry "Cresols", in column 2, the wording "Phenol, methyl-" is removed the second time it appears.

2. For the entry "DDT", in column 2, the word "Benzene" is revised to read "Benzene".

3. For the entry "Tetrachloroethane", in column 2, the wording "1,1,2,-Tetrachloroethane" is revised to read "1,1,2,2,-Tetrachloroethane".

§ 172.102 [Amended]

48. In § 172.102, the following changes are made:

a. In paragraph (c)(1), in Special Provision 14, a parenthetical mark is added following "dichloride" and the parenthetical mark following "stabilizers" is removed.

b. In paragraph (c)(1), Special Provision 42 is removed.

c. In paragraph (c)(3), in Special Provision B5, in the first sentence, the word "the" preceding the word "transport" is removed.

d. In paragraph (c)(3), in Special Provision B32, a comma is added to immediately follow "MC 331".

e. In paragraph (c)(3), in Special Provision B33, in the first sentence, the phrase "are subject to the following requirements." is revised to read "must conform to Table 1 of this Special Provision."

f. In paragraph (c)(3), in Special Provision B90, in the first sentence, the wording "Steel tank" is revised to read "Steel tanks".

g. In paragraph (c)(7)(ii), the introductory text "These provisions apply only to transportation in IM portable tanks:" is removed.

h. In paragraph (c)(7)(ii), in Special Provision T31, the wording "65 kPa (9.4

psia) at 65 °C (150 °F)" is revised to read "65 kPa (9.4 psia) at 65.6 °C (150 °F)".

§ 172.203 [Amended]

49. In § 172.203, the following changes are made:

a. In paragraph (e)(2), the wording "171.8" is revised to read "§ 171.8".

b. In paragraph (h)(2)(i), the word "to" preceding the wording "this subchapter" is revised to read "of".

c. In paragraph (k) introductory text, in the second sentence, the wording "(contains caprylyl chloride)" is revised to read "(contains Caprylyl chloride)".

d. In paragraph (k)(3), in the list of proper shipping names, for the proper shipping name, "Corrosive solids, self heating, n.o.s.", a hyphen is added between the words "self" and "heating".

§ 172.334 [Amended]

50. In § 172.334, in paragraph (b)(3), a comma is added following "(c)(5)".

§ 172.505 [Amended]

51. In § 172.505, in paragraph (a), in the first sentence, immediately following the words "portable tank," the word "and" is removed and replaced with the word "or".

§ 172.600 [Amended]

52. In § 172.600, in paragraph (c)(2), the word "state" is revised to read "State".

§ 172.604 [Amended]

53. In § 172.604, in paragraph (a)(3)(i), the wording "this part 172" is revised to read "this part".

Appendix A to Part 172 [Amended]

54. In Appendix A to part 172, in the first sentence, the wording "L'Eclariage" is revised to read "L'Eclairage."

PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

55. The parenthetical authorities at the end of any sections in part 173 are removed and the authority citation is revised to read as follows:

Authority: 49 U.S.C. 5101-5127; 49 CFR 1.53.

§ 173.11 [Amended]

56. In § 173.11, in paragraph (b)(4), the comma is removed after the wording "tank car".

§ 173.12 [Amended]

57. In § 173.12, the following changes are made:

a. In paragraph (d)(1), the word "and" is added immediately following the semicolon at the end of the paragraph.

b. In paragraph (d)(2), the wording "and" is removed and replaced with a period.

c. Paragraph (d)(3) is removed.

§ 173.27 [Amended]

58. In § 173.27, the following changes are made:

a. In paragraph (f), Table 2., in the row entitled "Solids: greater than 15 kg, not greater than 50 kg", in column 3, the quantity limit of "5 g" is revised to read "5 kg".

b. In paragraph (g)(1), the word "headings" is revised to read "headings".

§ 173.32 [Amended]

59. In § 173.32, the following changes are made:

a. In paragraph (g), the wording "bad dents" is revised to read "significant dents".

b. In paragraph (q) introductory text, the phrase "greater to or equal to" is amended to read "greater than or equal to".

§ 173.33 [Amended]

60. In § 173.33, the following changes are made:

a. In paragraph (c)(1)(iii), the word "shipped" is revised to read "loaded" each place it appears.

b. In paragraph (c)(1)(iv), the period following the reference "(c)(1)(i)" is removed and replaced with a comma.

§ 173.34 [Amended]

61. In § 173.34, in paragraph (e)(18)(i), in the first sentence, the reference "(a)(3)" is revised to read "(e)(3)".

Subpart D—[Amended]

62. In the subpart D title, the words "other than" are revised to read "Other Than".

§ 173.116 [Amended]

63. In § 173.116, in the paragraph (a) table, in column 2, the wording "LC50" is revised to read "LC₅₀" each place it appears.

§ 173.133 [Amended]

64. In § 173.133, in the paragraph (b)(1)(iv) table, in column 1, in the third and fourth entries, the wording "(Hazard Zone C)." and "(Hazard Zone D)" are removed and in column 2, in the last entry, the wording "Packing Groups I and II, Hazard Zones A, B and C" is revised to read "Packing Group I, Hazard Zones A and B, and Packing Group II".

§ 173.217 [Amended]

65. In § 173.217, in paragraph (a), in the last sentence, the wording "2-3 kg

(5 lbs)" is revised to read "2.3 kg (5 lbs)".

§ 173.226 [Amended]

66. In § 173.226, in paragraph (b)(4)(ii)(A), the word "and" is removed at the end of the paragraph.

§ 173.227 [Amended]

67. In § 173.227, in the section heading, the period following "Division 6.1" is removed and replaced with a comma.

§ 173.230 [Amended]

68. In § 173.230, in paragraph (d), the reference "6.2" is revised to read "6.1".

§ 173.243 [Amended]

69. In § 173.243, in paragraph (b)(2), the wording "cargo tanks" is added immediately following "DOT 412".

§ 173.301 [Amended]

70. In § 173.301, in paragraph (g) introductory text, the period following the word "methods" is removed and replaced with a colon.

§ 173.309 [Amended]

71. In § 173.309, the following changes are made:

a. In paragraph (a)(1), the word "non-corrosive" is revised to read "noncorrosive".

b. In paragraphs (a)(3)(iii), (a)(4)(ii), and (b)(2), the wording "kpa" is revised to read "kPa" each place it appears.

c. In paragraph (a)(4)(ii), the reference "55 °C—(130 °F)" is revised to read "55 °C (130 °F)" each place it appears.

§ 173.315 [Amended]

72. In § 173.315, in the paragraph (a) table, in Note 15, in the next to last sentence, the section reference "§ 172.328(d)" is revised to read "§ 172.328(c)".

§ 173.318 [Amended]

73. In § 173.318, the following changes are made:

a. In paragraph (b)(1)(ii)(A), the wording "One of more" is revised to read "One or more".

b. In paragraphs (b)(2)(i) (A) and (B), the words "his" and "this", respectively, are removed and replaced with the word "a".

c. In paragraph (b)(6)(ii), the wording "On tanks" is revised to read "On a tank".

d. In paragraph (g)(2)(i), the wording "an (MRHT)" is revised to read "an MRHT".

Subpart I—[Amended]

74. The authority citation for subpart I to part 173 is removed.

Appendix A to Part 173—[Amended]

75. In Appendix A to part 173, in paragraph 2., a comma is added immediately after the wording "surgical gauze".

Appendix F to Part 173—[Amended]

76. In Appendix F to part 173, in paragraph 2.(e), in the third sentence, the phrase "combustion are observed" is revised to read "combustion is observed".

PART 174—CARRIAGE BY RAIL

77. The authority citation for part 174 continues to read as follows:

Authority: 49 U.S.C. 5101–5127; 49 CFR 1.53.

§ 174.63 [Amended]

78. In § 174.63, in paragraph (b), the wording "Federal Railroad Administrator" is revised to read "Associate Administrator for Safety, FRA".

§ 174.100 [Amended]

79. In § 174.100, in the section heading and in the first sentence of paragraph (b), the "I" is revised to read "1".

PART 175—CARRIAGE BY AIRCRAFT

80. The parenthetical authorities at the end of any sections in part 175 are removed and the authority citation is revised to read as follows:

Authority: 49 U.S.C. 5101–5127; 49 CFR 1.53.

§ 175.320 [Amended]

81. In § 175.320, in the table in paragraph (a), in the entry "High explosives", in column 2, the wording "Division 1.1 or 1.2 (Class A) explosives" is revised to read "Class 1 (explosive) materials" and, in column 3, the wording "Blasting agent n.o.s." is revised to read "Blasting explosives (Division 1.1D or 1.5D), or Blasting agent (Division 1.5D), Very insensitive explosive substances, n.o.s., or Substances, EVI, n.o.s. (Division 1.5D), Extremely insensitive explosive articles or Articles, EEI (Division 1.6N)".

§ 175.700 [Amended]

82. In § 175.700, in paragraph (b), the second sentence is removed.

PART 176—CARRIAGE BY VESSEL

83. The parenthetical authorities at the end of any sections in part 176 are removed and the authority citation is revised to read as follows:

Authority: 49 U.S.C. 5101–5127; 49 CFR 1.53.

§ 176.13 [Amended]

84. In § 176.13, in paragraph (c), the reference "§ 172.704(c)" is revised to read "§ 172.704(d)".

Subpart F of Part 176—[Amended]

85. The authority citation in subpart F of part 176 is removed.

§ 176.415 [Amended]

86. In § 176.415, in paragraph (b)(2), the wording "or unloading" is removed, the second time it appears.

§ 176.600 [Amended]

87. In § 176.600, in paragraph (d), the wording "cool a reasonably" is revised to read "cool as reasonably".

PART 177—CARRIAGE BY PUBLIC HIGHWAY

88. The parenthetical authorities at the end of any sections in part 177 are removed and the authority citation is revised to read as follows:

Authority: 49 U.S.C. 5101–5127; 49 CFR 1.53.

§ 177.838 [Amended]

89. In § 177.838, the following changes are made:

a. In paragraph (g), the wording "3.6 kg (7.9 pounds)" is revised to read "3.6 kg (8 pounds)".

b. In paragraph (h), the word "pyroforic" is revised to read "pyrophoric" each place it appears.

§ 177.839 [Amended]

90. In § 177.839, in paragraph (d) introductory text, in the first sentence, the wording "cargo tanks" is revised to read "cargo tank", each place it appears.

§ 177.840 [Amended]

91. In § 177.840, in paragraph (d), in the first sentence, the wording "cargo tanks" is revised to read "cargo tank".

§ 177.841 [Amended]

92. In § 177.841, in paragraph (d) introductory text, in the first sentence, the wording "cargo tanks" is revised to read "cargo tank", each place it appears.

§ 177.848 [Amended]

93. In § 177.848, in paragraph (e)(6), in the second sentence, the word "for" is added following the word "required" and preceding the word "any".

§ 177.860 [Amended]

94. In § 177.860, the following changes are made:

a. In paragraph (a) introductory text, in the first sentence, the wording "materials which is" is revised to read "material which is".

b. In paragraph (b), the wording "Division 6.1" is revised to read "Division 6.1".

PART 178—SPECIFICATIONS FOR PACKAGINGS

95. The parenthetical authorities at the end of any sections in part 178 are removed and the authority citation is revised to read as follows:

Authority: 49 U.S.C. 5101-5127; 49 CFR 1.53.

§ 178.245-5 [Amended]

96. In § 178.245-5, in paragraph (b), the wording "shall comply with" is revised to read "shall conform to".

§ 178.255-5 [Amended]

97. In § 178.255-5, in paragraph (b), in the second sentence, the wording "Every such valve" is revised to read "Each valve".

§ 178.255-12 [Amended]

98. In § 178.255-12, in the first sentence of paragraph (a), "pounds per square inch gauge" is revised to read "psig".

§ 178.270-9 [Amended]

99. In § 178.270-9, in the second sentence, the word "obround" is revised to read "round".

§ 178.270-11 [Amended]

100. In § 178.270-11, the following changes are made:

a. In paragraph (b)(1) introductory text, in the last sentence, the word "transverse" is revised to read "transversal".

b. In paragraph (d)(2), in the first sentence, the phrase "or less than or" is revised to read "to less than or".

§ 178.271-1 [Amended]

101. In § 178.271-1, in paragraph (a), the wording "comply with" is revised to read "conform to".

§ 178.272-1 [Amended]

102. In § 178.272-1, in paragraph (a), the wording "comply with" is revised to read "conform to".

§ 178.337-1 [Amended]

103. In § 178.337-1, the following changes are made:

a. In paragraph (b), the word "chapter" is revised to read "subchapter".

b. In paragraph (d), the wording "unless it be" is revised to read "unless".

§ 178.337-2 [Amended]

104. In § 178.337-2, the following changes are made:

a. In paragraph (a)(1), the wording "comply with" is revised to read "conform to".

b. In paragraph (c), in the last sentence, the wording "post weld" is revised to read "postweld".

§ 178.337-3 [Amended]

105. In § 178.337-3, in paragraph (c)(3)(i), the colon following the word "pressure" is removed and replaced with a semicolon.

§ 178.337-11 [Amended]

106. In § 178.337-11, in paragraph (a)(2)(i), in the third sentence, the wording "loading unloading" is revised to read "loading/unloading".

§ 178.337-18 [Amended]

107. In § 178.337-18, in paragraph (a)(3), in the first sentence, the wording "comply with" is revised to read "conform to".

§ 178.338-1 [Amended]

108. In § 178.338-1, in paragraph (c)(1), in the third sentence, the quotation marks before and after the wording "design pressure" are removed.

§ 178.345-3 [Amended]

109. In § 178.345-3, the following changes are made:

a. In paragraph (e), the reference "178.347-2" is revised to read "§ 178.347-2".

b. In paragraph (g) introductory text, the period is removed following the word "requirements" and replaced with a colon.

§ 178.345-7 [Amended]

110. In § 178.345-7, in paragraph (a)(2), in the last sentence, the words "conical shall" is revised to read "conical shell".

§ 178.345-14 [Amended]

111. In § 178.345-14, the following changes are made:

a. In paragraph (b)(6), the period after the parenthetical wording "(Water cap.)" is removed and replaced with a comma.

b. In paragraph (b)(15), a period is added following the word "feet".

c. In paragraph (c)(3), the semicolon following the parenthetical wording "(CT mfr.)" is removed and replaced with a period.

d. In paragraph (c)(6), the parenthetical wording "(Max load. rate, GPM)" is revised to read "(Max. load rate, GPM)".

e. In paragraph (c)(7), the parenthetical wording "(Max. unload. rate, GPM)" is revised to read "(Max. unload rate, GPM)".

§ 178.347-2 [Amended]

112. In § 178.347-2, the following changes are made:

a. In paragraph (a), in the titles of Tables I and II, a period between the words "(MS)" and "HIGH" is removed and replaced with a comma, each place it appears.

b. In Table I, in the column "Over 18 to 22", for the entry "Thickness (AL)", "0.187" is revised to read "0.187".

§ 178.348-10 [Amended]

113. In § 178.348-10, in paragraph (d)(3), in the last sentence, the phrase "as this will provide a great vent capacity requirement" is removed.

§ 178.350-3 [Amended]

114. In § 178.350-3, in paragraph (b), the reference "§ 173.24" is revised to read "§ 172.310".

PART 179—SPECIFICATIONS FOR TANK CARS

115. The parenthetical authorities at the end of any sections in part 179 are removed and the authority citation is revised to read as follows:

Authority: 49 U.S.C. 5101-5127; 49 CFR 1.53.

Subpart F—[Amended]

116. The authority citation for subpart F to part 179 is removed.

PART 180—CONTINUING QUALIFICATION AND MAINTENANCE OF PACKAGINGS

117. The authority citation is revised to read as follows:

Authority: 49 U.S.C. 5101-5127; 49 CFR 1.53.

§ 180.405 [Amended]

118. In § 180.405, in paragraph (f)(6), the word "must" is revised to read "shall".

§ 180.407 [Amended]

119. In § 180.407, in paragraph (d)(4), the word "tank" is added following the word "cargo".

§ 180.415 [Amended]

120. In § 180.415, in paragraph (b), in the last sentence, the colons preceding the wordings "P for pressure" and "L for lining" are removed and replaced with semicolons.

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D.K. Sharma,
Administrator.

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